



**Town  
Of  
Andover  
ZONING BY-LAW**

**Article VIII  
From the  
CODE  
Of BY-LAWS**

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## Article VIII

### ZONING BY-LAW

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[HISTORY: Adopted by the Town of Andover 4-24-2001 Annual Town Meeting, Art. 9. (This article also repealed former Article VIII, Zoning By-law, adopted 6-15-1964 STM, as amended.) Amendments noted where applicable.]





## GENERAL REFERENCES

Construction permit fees – See Art. VII.

Plumbing – See Art. IX.

Fire prevention – See Art. X.

Ballardvale Historic District – See Art. XII, § 36.

Subdivision rules and regulations – See Art. XIII.

## SECTION 1.0. PURPOSE AND AUTHORITY

**1.1. PURPOSE.** The purpose of this by-law is to provide for the town all protection and advantages of zoning restrictions and regulations as authorized by G.L. c. 40A, as from time to time amended, and as set forth in Section 2A of 1975 Mass. Acts 808.

**1.2. AUTHORITY.** This Zoning By-Law is enacted in accordance with but not limited to, the provisions of G.L. c. 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

**1.3. SCOPE.** The construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the town are regulated as hereinafter provided.

**1.4. APPLICABILITY.** All buildings or structures hereinafter erected; reconstructed, altered, enlarged, or moved, and the use of all premises in the town, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is specifically permitted within the district in which such building, structure or land is located. Where the application of this by-law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this by-law shall control.

**1.5. AMENDMENTS.** This by-law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

The owner of land proposed for changed use by means of an amendment to the Zoning By-Law may, with Planning Board approval, record a covenant running with the land which places greater restrictions than embodied in the by-law, upon all or a portion of the proposed use zone to be effective only if the Town Meeting action on the proposed amendment is affirmative. The Town Clerk shall certify to the Registrar of Deeds as to whether the action of the Town Meeting was affirmative or negative.

**1.6. SEVERABILITY.** The invalidity of any section or provision of this by-law shall not invalidate any other section or provision herein.

**SECTION 2.0. DISTRICTS**

**2.1. ESTABLISHMENT.** For the purposes of this by-law, the town is hereby divided into the types of zoning districts set forth below:

Residence Districts:

SRA -- Single Residence A  
SRB -- Single Residence B  
SRC -- Single Residence C  
APT -- Apartment

Business Districts:

LS -- Limited Service  
OP -- Office Park  
GB -- General Business  
MU -- Mixed Use

Industrial Districts:

IG -- General Industrial  
IA -- Industrial A  
ID -- Industrial D

**2.2. OVERLAY DISTRICTS.** Overlay districts shall be superimposed on other districts established by this by-law. Any land lying within such overlay districts shall also be subject to and have the benefit of the development and use regulations for the applicable underlying district(s) and shall, in addition, conform to the additional regulations of the one or more overlay districts in which the land lies. In the event of any conflict between the regulations of two or more overlay districts which apply to the same lot of land, or in the event of conflict between an underlying district(s) and an overlay district affecting it, the conflict shall be resolved by applying the most restrictive regulations. The following overlay districts are hereby established and described in Section 8.0:

Flood Hazard Overlay District  
Watershed Protection Overlay District

**2.3. ZONING MAP.** The boundaries of districts set forth in Section 2.1 are located and described by detailed written descriptions and/or by delineation on Zoning Maps on file in the Office of the Planning Board, which descriptions and delineations shall be deemed a part of the by-law. Where detailed written descriptions and a Zoning Map each intend to describe the same boundary of a district and in so doing one appears to conflict with or differ from the other, then in all such cases the detailed written description shall be conclusive and prevail over the Zoning Map.

**2.3.1. Map Amendments.** Any changes in the boundaries or location of zoning districts shall be made by the same procedure as an amendment to the text of the Zoning By-Law. See Section 1.5.

**2.4. RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES.** The following rules shall apply for the interpretation of district boundaries:

**2.4.1. Lots Along Town Boundaries.** When a lot is situated in part of the Town of Andover and in part in an adjacent city or town, the regulations and restrictions of the by-law shall be applied to that portion of such lot as lies in the Town of Andover in the same manner as if the entire lot were situated therein.

**2.4.2. Lots Split by Zoning Boundary.** Where a boundary line between zoning districts divides a lot, the dimensional and use regulations of the less regulated zoning district shall be applicable to that part of the lot located in the more regulated district which lies within thirty feet of the zoning district boundary. The portion of the lot which falls beyond thirty feet shall be required to comply with the dimensional and use regulations of the more regulated district. For this purpose, for example, a single residence district is deemed more regulated than a business district and an industrial district; and a business district more regulated than an industrial district. The Inspector of Buildings shall determine, as to sub-districts within each principal district, which sub-district is the less regulated sub-district and which is the more regulated.

### **SECTION 3.0. USE REGULATIONS**

**3.1. GENERAL.** No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes to the Table, or as otherwise set forth herein, or as exempted by the General Laws, or by variance of the Board of Appeals, as provided in said Chapter 40A of the General Laws and in Section 9.2.2.2 of this bylaw. Any building or use of premises not herein specifically permitted is hereby prohibited. [Amended 4-30-2002 ATM, Art. 53]

**3.1.1. Symbols.** Symbols employed in the Table of Use Regulations shall mean the following:

Y	-	A permitted use
N	-	A prohibited use
BA	-	A use requiring a special permit from the Board of Appeals
PB	-	A use requiring a special permit from the Planning Board
BOS	-	A use requiring a special permit from the Board of Selectmen

**3.1.2. If Classified Under More than One Use.** Where an activity may be classified as more than one of the principal uses listed in the Table of Use Regulations, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

1. A major non-residential project shall require a special permit from the Planning Board in addition to any other requirements set forth herein.

**3.1.3. Table of Use Regulations.** See Appendix A, Table 1.

**3.2. ACCESSORY USES.** Except as otherwise set forth, any use permitted as a principal use is also permitted as an accessory use as defined in Section 10.0 of this by-law. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 9.5, shall also require site plan review and approval.

**3.2.1. Specific Accessory Uses.** The following regulations shall apply to specific accessory uses:

1. *Temporary Dwelling.* A mobile home may be used as a temporary dwelling on the site of a single-family residence which has been destroyed or rendered uninhabitable by fire or other catastrophe; provided that a temporary permit for a period not to exceed six months is issued by the Building Inspector with the approval of the Director of Health and the Town Manager. If reconstruction of the original dwelling is not completed in six months, such permit may be renewed for an additional six months on concurrence of the above three persons, but in no event may such mobile home remain on the site in excess of one year.

2. *Keeping or Boarding Animals.* Horses, ponies, cows or other large domestic animals may be kept or boarded solely as pets or for private noncommercial use provided that:

- a. there is a minimum lot size of two acres for the first such animal;
- b. there is a minimum of one additional acre for each additional animal up to a maximum of six animals;
- c. any relevant Board of Health regulations are met;
- d. any structure for housing such animals which is larger than 6 x 7 feet is located at least fifty feet from any property line; and
- e. fencing adequate to restrain such animals is installed and is no closer than five feet to the property line.

3. *Commercial Motor Vehicle Parking on Residential Property.* The parking or keeping of a truck or other commercial-type vehicle on property used for residential purposes provided that the same:

- a. shall not exceed three-fourths-ton capacity, manufacturer's rating;
- b. is used as a means of transport to and from the resident's place of business;
- c. is parked or kept in a closed garage, and
- d. is not loaded with flammable, noxious, or dangerous material.

4. *Other Commercial-Type Vehicles or Equipment.* For dwellings in all zoning districts, the parking or keeping of commercial-type vehicles or equipment other than those included in subsection 3.2.1.3 above shall be subject to a special permit from the Board of Appeals, provided that:

- a. such parking will not, under the circumstances, be detrimental to the neighborhood;
- b. such use may be permitted subject to conditions deemed necessary to safeguard the neighborhood, including limitations of time, number of vehicles, weight or capacity of vehicles.

### 3.3. NONCONFORMING USES AND STRUCTURES

**3.3.1. Applicability.** This Zoning By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this Zoning By-Law, and any amendments, were adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

**3.3.2. Nonconforming Uses.** The Board of Appeals may grant a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;
2. [reserved]

**3.3.3. Nonconforming Structures.** The Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure other than single or two-family dwellings in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

**3.3.4. Variance Required.** Except as provided in Section 3.3.5, below, the reconstruction; extension or structural change of a nonconforming structure other than single or two-family dwellings in such a manner as to increase an existing nonconformity, or create a new nonconformity shall require the grant of a variance by the Board of Appeals. For the purposes of this section, the extension of an exterior wall at or along the same nonconforming distance within a required yard shall require the grant of a variance by the Board of Appeals.

**3.3.5. Nonconforming Single and Two Family Residential Structures.** Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances, individually or in combination, shall not be deemed to increase the nonconforming nature of said structure:

1. alteration to a structure which complies with all current setback and building height requirements on a lot with insufficient area, where the alteration will also comply with all of said current requirements.
2. alteration to a structure which complies with all current setback and building height requirements on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.
3. alteration to a structure which presently encroaches upon one or more required setback areas, where the alteration will comply with all current setback, yard and building height requirements.

In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

**3.3.6. Abandonment or Non-Use.** A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Zoning By-Law.

**3.3.7. Catastrophe or Demolition.** Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, or after demolition, provided that such reconstruction is completed within twenty-four months after such catastrophe or demolition, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure unless a larger volume or area is authorized by special permit from the Board of Appeals. Such time for reconstruction may be extended by the Board of Appeals for good cause.

**3.3.8. Reversion to Nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

## **SECTION 4.0. DIMENSIONAL REQUIREMENTS**

### **4.1. GENERAL**

**4.1.1. Conformance.** No building or structure shall hereafter be erected, altered, enlarged, extended or moved on any lot, nor shall any lot containing any building or structure be altered in size or dimension, unless the resulting premises meet or exceed the minimum requirements specified in the Table of Dimensional Requirements, except where otherwise provided herein or where the premises are otherwise governed by the provisions of Chapter 40A of the General Laws. Except as otherwise

provided for in this by-law, not more than one building designed or available for use for dwelling purposes shall be erected or converted to use as such on any lot, parcel, or tract of land in the town.

**4.1.2. Table of Dimensional Requirements.** Except as provided elsewhere in this by-law, all buildings and structures shall conform to the Table of Dimensional Requirements, as set forth in Appendix A, Table 2.

**4.1.3. Exceptions and Special Requirements.**

*1. Dwellings in Districts Other than Single Residence.*

For dwellings in districts other than single residence, the same requirements as to lot size and frontage applicable in the adjoining single residence district sharing the longest common boundary shall apply. In the event there is no adjoining single residence district, the requirements of the nearest single residence district shall apply.

*2. Yards.*

- a. Each lot shall have a width of not less than eighty percent (80%) of the required frontage at all points between the street line along which the frontage of the lot is measured and the furthest point of the rear wall of the dwelling upon such lot. Such width shall be measured along lines which are parallel to the street line.
- b. The minimum yard depth requirements shall not apply in any district to covered or uncovered stairs, small bays, bay windows, eaves or cornices, provided that the same are unenclosed and do not extend more than five feet into a front or side yard or ten feet into a rear yard. [Amended 4-27-2004 ATM, Art. 39<sup>1</sup>]
- c. The yard depth from an existing way is to be measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds or Land Court, or Town Clerk's office or, in the absence of such a plan or if such way is less than forty feet wide, from a line twenty feet from and parallel with the center line of the traveled way as determined by the Town Engineer.
- d. In SRA, SRB, and SRC districts, where other buildings exist within two hundred feet on both sides of the lot in question and within the same block and district, the principal structure may extend as near the way as the average setback of said other buildings; but if such other buildings are setback more than thirty feet from the way, the principal structure shall not extend nearer said way than the average setback of such other buildings.
- e. In the case of lots abutting on more than one way, the minimum front yard depth requirement shall be applicable to each such way, but such lots shall be required to have the minimum frontage on only one such way. In addition, one minimum side yard depth requirement and one minimum rear yard depth requirement shall be applicable to the lot and determined at the time of building permit issuance. The provisions of this Zoning

<sup>1</sup> Editor's Note: This article amended Section 4.1.3.b of the Zoning By-Law rather than Section 4.1.3.2.b. This incorrect reference to Section 4.1.3.6 was corrected to Section 4.1.3.2.6 by Art. 50 of the 5-2-2005 ATM.

By-Law amendment shall not apply to those lots approved prior to the adoption of this amendment pursuant to the provisions of G.L. c. 40A and c. 41 and the Rules and Regulations governing the Subdivision of Land in the Town of Andover.

- f. In the case of lots which abut on a limited access highway, the minimum yard depth requirement from such highway shall be the same as the applicable side or rear yard minimum depth.
- g. No fence or sign shall be erected or installed and no trees, shrubs or other growth shall be planted or permitted to grow or exist in any district requiring a minimum front yard depth which will dangerously obstruct the view of traffic by operators of vehicles at street intersections. This requirement shall be deemed to include, but not be limited to, any such obstruction which is more than three feet and less than eight feet above the grade of the adjoining way, and is located within an area bounded by the side lines of the intersecting ways and the line joining points on such ways twenty-five feet from the intersections of such side lines or the intersections of the side lines projected so as to interfere with traffic visibility across the corner.
- h. When the distance between any two points on lot lines is less than fifty feet, measured in a straight line (the threshold line), the smaller portion of the lot which is bounded by such straight line and such lot lines beyond the threshold line shall not be considered in computing the minimum lot area unless the cumulative distance along such lot lines between such 2 points and including the threshold line is less than one hundred-fifty feet.

3. *Building Height.*

- a. The limitation on height of buildings shall not apply in any district to chimneys, ventilators, towers, silos, spires or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than twenty-five percent (25%) of the ground floor area of the building.
- b. Buildings in any residence district or the Apartment District used for municipal or educational purposes may be three stories in height but not in excess of forty-five feet.  
[Amended 4-28-2010 ATM, Art. 54]

4. *Lots Resulting from Public Acquisition.* Public acquisition of any portion of a lot for the purpose of laying out or altering a public road shall not be construed to render the resulting lot or existing structures upon it to be dimensionally nonconforming or to disqualify the resulting lot for separate sale or for otherwise legal building, provided that the width of the strip thus acquired does not exceed ten feet. Front yard and coverage requirements on any such lot shall be measured from the street right-of-way line in existence immediately prior to the public acquisition.



**4.1.4. Special District Regulations.****1. *Apartment Districts.***

- a. The minimum lot area and frontage requirements shall be the same as applies to the adjoining single residence sharing the longest common boundary. In the event there is no adjoining single residence district, the requirements of the nearest single residence district shall apply.



- b. For multiple dwellings, there shall be at least thirty-five hundred square feet of lot area for each dwelling unit. See Section 7.6.3 of this by-law.

2. *Business Districts (LS, OP, GB, MU).*

- a. No building in a business district shall be erected or expanded within fifteen feet of a building containing a residential use, regardless of the zoning district in which said building containing a residential use is located.
- b. In the General Business District, the front setback shall be the average front setback of existing buildings on the block. [Amended 4-30-2002 ATM, Art. 54]

3. *Industrial Districts and Office Park Districts.*

- a. The corresponding front, side and rear minimum yard depth requirements stated in Appendix A, Table 2 for Industrial A and Industrial D and Office Park Districts shall apply to all nonresidential facilities, including structures, parking areas, driveways, tanks, loading bays, outdoor storage or work areas and similar accessory operations, located or to be located on a lot in nonresidential use, if said lot in nonresidential use abuts a lot in residential use within said Industrial A or Industrial D or Office Park District, or if said lot in nonresidential use abuts a lot zoned Single Residence A or B or C, or if said lot in nonresidential use abuts a public or private way which itself abuts in whole or in part a Single Residence A or B or C District.
- b. In Industrial A and Industrial D and Office Park Districts, no nonresidential structure shall be erected nearer than three hundred feet to the outside wall of any existing dwelling, regardless of the zoning district in which said dwelling is situated, and whether or not a public or private way lies within said three hundred feet.
- c. In the case of lots which are located in industrial districts and abut railroad property, the minimum yard depth requirement from such railroad property shall not apply if a railroad siding is to be constructed.
- d. In all industrial districts, yard depth requirements will be measured from the street line of a public way or internal access road, whichever is applicable.
- e. In the Industrial D District, required yard areas shall be developed and maintained only for lawns, landscaping, walks, driveways and parking areas; provided, however, that no parking area shall be located within fifty feet of the street line of any public way or internal access road on which the building fronts unless a special permit to reduce this requirement is granted by the Zoning Board of Appeals upon its determination that circumstances of the site and its design provide control of visual intrusion and traffic comparable to the usual application of this requirement.
- f. In the case of a lot located in an Industrial A District, the maximum height of a building thereon shall be four occupiable stories, but not in excess of sixty occupiable feet or eighty total feet, provided that existing municipal water pressure must be sufficient for adequate water supply to reach the portion of the building in excess of sixty feet for both

fire protection and service needs without any artificial means to increase existing municipal pressure; and the space above sixty feet (as height is measured in accordance with this by-law) shall be:

1. used solely for building mechanicals, heating, ventilation and air conditioning, utilities and other building services uses;
  2. setback at least ten feet on all sides from the outside face of the top story of the building; and
  3. excluded from both the calculation of maximum coverage in the Table of Dimensional Requirements and the calculation of off-street parking requirements in Appendix A, Tables 2 and 3.
  4. The outside face of any building greater than sixty feet shall be at least one thousand feet from the district boundary line of any residence district.
  5. All lighting of the buildings and grounds, including light posts, shall be screened and shielded from the abutting residential neighbors.
4. *Mixed Use District.* [Amended 4-23-2007 ATM, Art. 48]
- a. New structures and additions to existing structures shall not be erected within fifty feet of the nearest outside wall of an existing residential structure.
  - b. No single establishment of a Business or Commercial Use as described in Appendix A Table 1 Section 3.1.3.C Table of Use Regulation, shall exceed 65,000 SF of gross floor area. A single establishment shall be defined as having independent access, egress and exit ways as required by State Building Code.
5. *Lot/Slope Requirements in the Single Residence Districts.* In the single residence zoning districts (SRA, SRB and SRC), the following provisions are applicable.
- a. The purposes of this subsection shall be: to preserve and enhance the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams; slopes, ridge lines, rock outcroppings, vistas, natural plant formations and trees; to minimize the effects of grading to insure that the natural character of steep slopes is retained; to minimize water runoff and soil-erosion problems incurred in grading of steep slopes; and to encourage innovative architectural, landscaping, circulation and site design. For the purposes of this subsection, the term "natural" shall be defined as the condition of the ground surface as it exists at the time a subdivision or development is proposed including any man-made alterations such as grading, excavation or filling which may have occurred prior to the time such subdivision or development is submitted. No land intended for subdivision or development may be regraded or filled in such manner as to circumvent this by-law.

- b. The provisions of this subsection 4.1.4.5 shall not apply to building lots in a definitive subdivision plan submitted in accordance with G.L. c. 41 in order to obtain the protections afforded by G.L. c. 40A, s. 6. In addition, the provision of this subsection 4.1.4.5 shall not apply to building lots in a definitive subdivision plan approved prior to the enactment of this subsection 4.1.4.5. The provisions of this subsection 4.1.4.5 shall not apply to building lots on a plan subject to G.L. c.41, s. 81P approved prior to the first date of publication of notice of this by-law.



- c. The slope of land at any point, stated as a percentage, shall be defined as the change in elevation over a horizontal distance measured perpendicular to the contours divided by the distance over which the change occurs multiplied by one hundred.

Slope = (Change in elevation/horizontal distance measured perpendicular to contours) x 100

- d. All natural slopes exceeding thirty-five percent (35%) over a horizontal distance of ten feet as measured perpendicular to the contour on a tract or parcel of land intended or proposed for subdivision or on a building lot are protected and shall remain undisturbed.
- e. All areas with natural slopes exceeding twenty-five percent (25%) over a horizontal distance of thirty feet as measured perpendicular to the contour on a tract or parcel of land intended or proposed for subdivision or development, or on a lot intended for building purposes, shall be excluded from the calculation of the minimum lot area required for the applicable zoning district.
- f. The Planning Board may grant a special permit to vary the provisions of this subsection 4.1.4.5 if, in the Board's opinion, the proposal satisfies the purposes set forth above.

#### 4.1.5. Special Use Regulations.

1. *Motels and Hotels.* There shall be a lot area of at least two thousand square feet for each rentable unit.

2. *Automotive Service Uses and Car Washes.* No building used for a gasoline service station, car wash, or automobile repair garage or service station, shall be located within fifty feet of the line of any lot in a residence district. No premises used for such purposes shall have any driveway access within three hundred feet of the line of any lot used by any public or private school, public library, church, playground or institution for the aged, sick or dependent, or for children under sixteen years of age. Every such building in a Business District shall hereafter be located not less than fifteen feet inside the property line.

#### 4.2. ACCESSORY BUILDINGS AND STRUCTURES

4.2.1. *Location.* Except as provided in Section 4.1.4.3, above, accessory buildings and structures shall conform to the following regulations.

4.2.2. *Yard Depth.* The minimum requirements for yard depth shall not preclude the placing of accessory buildings in such minimum yard area, provided that the same (a) are located in the rear yard; (b) are not over one and one-half stories in height; (c) cover not more than thirty percent (30%) of such yard area; (d) are not located nearer than 5 feet to any property line; and (e) are not used for housing domestic animals or livestock. The foregoing shall not apply to multiple dwellings in the Apartment District.

4.2.3. *Floor Area.* The ground floor area of a building accessory to a dwelling may exceed the ground floor area of that dwelling only if granted a special permit by the Board of Appeals upon its

determination that the proposed accessory building will not cause visual or functional disruption to the character of the neighborhood.

**4.2.4. Recreational Structures.** Subject to other provisions of the Zoning By-Law, swimming pools, tennis courts, sports courts and courts for nonpublic athletic and recreational activity, and their associated equipment and paraphernalia, constructed and employed for the private use without fee or charge of the occupant of the lot, are permitted as an accessory use in rear yards and in side yards, but not in front yards, in all districts, provided that they are not located nearer than ten feet to any property line of the rear yard and that they comply with the minimum setback requirements for side yards in the particular district.

## **SECTION 5.0. GENERAL REGULATIONS**

### **SECTION 5.1. OFF-STREET PARKING AND LOADING**

**5.1.1. Purpose.** The objectives of this section are as follows:

1. Promote traffic safety by assuring adequate places for storing of motor vehicles off the street and for their orderly access and egress to and from the public street;
2. Increase the traffic-carrying capacity of streets and highways in the town and obtain a more efficient utilization of on-street curbside parking;
3. Reduce hazards to pedestrians upon public sidewalks;
4. Protect adjoining lots and the general public from nuisances and hazards such as:
  - a. Noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles;
  - b. Glare and heat from parking lots;
  - c. A lack of visual relief from expanses of paving;
  - d. Accelerated runoff of surface water from land covered by impervious materials.

**5.1.2. Applicability.** No building permit or certificate of occupancy shall be issued for the construction of a new building, the enlargement of an existing building, the development of a use not located in a building, the redevelopment of an existing building or the change from one type of use to another, unless off-street parking is provided in accordance with this section of the by-law.

**5.1.3. Interpretation of this Section.** The following rules for interpretation of this section shall apply:

1. *Fractional Numbers.* In the computation of required parking spaces, only the fraction of one-half or more shall be counted as one space.



2. *Number of Employees.* Where the parking requirement is based on the number of employees, the number shall be based on the number of employees on the largest shift.

3. *Change of Use.* A change of use for the purposes of this section of the by-law shall be a change in part or all of an existing building or lot from one use category to another as permitted in the Table of Use Regulations.

4. *Maximum Rate Occupancy.* The maximum floor area allowances allowed per occupant as required in the Massachusetts State Building Code, as amended from time to time.

**5.1.4. Parking Space Requirements.** Appendix A, Table 3, Off-Street Parking Requirements, establishes the minimum number of parking spaces required for the corresponding type of use. Where a use is not specifically included in Table 3, it is intended that the regulations for the most nearly comparable use, as determined by the Inspector of Buildings, shall apply.

**5.1.5. Design Standards.** The design standards stated in this section shall apply to parking areas for uses other than a one-family or two-family dwelling:

1. *Parking Dimensions.* The minimum dimensions of parking spaces and maneuvering aisles shall be as shown in Appendix A, Table 4, Parking Dimensions.

2. *Parking Layout.*

a. Access to and egress from all parking areas shall be only via driveways which meet the design standards of Section 5.1.5.4;

b. All portions of all parking spaces, loading areas and maneuvering aisles shall be set back a minimum of five feet from any street or way and a minimum of five feet from any property line. Curbs, wheel stops, screening or similar barriers shall be installed along the setback line for parking and loading to prevent vehicles from being parked or driven within required setback areas or required landscaped areas;

c. Each required off-street parking space and loading area shall be designed so that any motor vehicle may proceed to and from said parking space or loading area without requiring the moving of any other vehicle or the passing over of any other parking space or loading area;

d. Each parking area shall be designed to provide a circulation system within the lot so that all vehicles may exit from and enter into the adjacent street or way by being driven in a forward direction and no vehicle shall be required to enter or leave by backing;

e. All required parking areas shall be paved and parking spaces marked to provide delineation between parking stalls and aisles.

3. *Parking for Persons with Disabilities.*

- a. Parking facilities shall provide designated parking spaces designed for persons with disabilities in accordance with the rules and regulations of the Architectural Barriers Board of the Massachusetts Department of Public Safety;
- b. Each such parking space shall be clearly marked by a sign and shall be located near the entrance of the building served.

4. *Driveways.*

- a. The maximum number of driveways permitting entrance to and exit from a lot shall be limited to two per street line;
- b. The minimum width of a driveway used for two-way traffic shall be twenty-four feet. The minimum width of a driveway used for one-way traffic shall be fourteen feet. The maximum width shall not exceed thirty feet;
- c. Driveways shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.

5. *Loading Areas.*

- a. An adequate number of off-street loading areas shall be provided for any use which may be serviced by delivery vehicles;
- b. Loading areas shall be located in side or rear yards only;
- c. Each loading area shall be located separately from employee and customer parking and shall be designed to protect pedestrian safety and avoid traffic conflicts with vehicles within, without and entering and leaving the lot where the loading area is located;
- d. No area may be utilized and counted as both a required parking space and a required loading area;
- e. Each loading area shall consist of a bay measuring at least thirty feet long, twelve feet wide and fourteen feet high if covered and a maneuvering space equal to the length of the bay.

6. *Maintenance.* Parking areas, loading spaces and landscaping shall be continuously maintained, and whenever necessary, surfacing, lighting, parking space markings and plantings shall be replaced or repaired, and drainage structures maintained. Failure to adequately maintain parking facilities shall be considered a violation of this by-law.

**5.1.6. Parking in Apartment Districts.** The following parking requirements shall apply to APT districts:

1. Required spaces shall be located either in an off-street paved area or in a garage or carport.

2. Said spaces shall be located within two hundred feet from the outside entrance to the dwelling unit being served.
3. Said spaces located in a driveway providing access to more than 1 dwelling unit shall not reduce the effective width of the driveway to less than twelve feet.
4. Any way or driveway providing principal access to 6 or more dwelling units or 8 or more parking spaces shall conform to applicable provisions of the Planning Board regulations for minor residential ways. Before granting a special permit, the Board of Appeals shall request a report from the Planning Board on the extent of such conformity.

**5.1.7. Parking in General Business Districts.** The following parking requirements shall apply to GB Districts:

1. *Location.* The required number of off-street spaces shall be provided on the same lot as the use or uses in question unless the Planning Board grants a special permit for a change in parking space requirements pursuant to Section 5.1.12 of this by-law.
2. *No Additional Spaces.* No additional parking spaces shall be required for a proposed land use in accordance with Appendix A, Table 3, if:
  - a. A change of use or rearrangement of uses in an existing building does not result in an increase in the number of required parking spaces;
  - b. The total computed parking spaces required for a particular use, including a particular use in an existing multi-use building, is six spaces or less. This shall not apply to proposals involving the total renovation/redevelopment of a structure;
  - c. Having applied subsections a. and b. above, a change of use in an existing building results in a net increase in the number of required parking spaces, and that net increase is three spaces or less. If the change of use results in a net increase of more than three spaces, then the total number of parking spaces shall be provided.
3. *Multiple Uses Sharing a Common Parking Lot.*  
Required parking spaces may be provided for two or more uses on a common lot if the total space available is not less than the sum of the spaces required for each use individually. The required number of spaces on a common lot may be reduced by a special permit under Section 5.1.12 if it can be shown that the parking needs for the uses are such that a lower total will serve all uses adequately.
4. *Extension or Alterations of Nonconforming Buildings and Uses.* Extensions or alterations of a preexisting, nonconforming building or use which requires a special permit under Section 9.4 shall provide only the additional number of parking spaces which would be required for the extension or alteration.
5. *Replacement After Catastrophe.* The following parking requirements shall apply to a building or structure which has been damaged by fire, explosion or other catastrophe:

- a. If a building or structure which did not conform to Table 3, Off-Street Parking Requirements, is rebuilt not to exceed its precatastrophe size and if no change in use occurs, continuance of that nonconformance will be allowed;
- b. Any change in use shall require the building or structure to conform to Table 3, Off-Street Parking Requirements;
- c. If a building or structure is rebuilt to exceed its precatastrophe size, the additional number of parking spaces which would be required for the excess floor area must be provided.

6. *Compact Car Spaces.* In parking lots of more than forty parking spaces, up to thirty percent (30%) of the spaces may be designed for compact cars to service all-day parkers in accordance with the design standards of Appendix A, Table 4. Compact car stalls shall be grouped in 1 or more contiguous areas and conspicuously identified by signs or pavement markings.

**5.1.8. Parking in Industrial Districts.** The following parking requirements shall apply to Industrial Districts:

1. Adequate off-street parking must be provided on the premises to service all parking demand created by new construction, whether through new structures or through additions to existing ones, or by change of use creating higher parking demands.
2. In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth below will be met for the new demand without counting existing parking.
3. Only one driveway or entranceway will be permitted in any one hundred fifty feet of frontage unless the frontage is less, in which case, a single driveway access to the property will be permitted.
4. Each parking area shall contain no more than two hundred forty parking spaces.
5. There shall be no more than thirty parking spaces in any uninterrupted row.
6. Each parking area shall be enclosed (except for access points) by a landscaped buffer not less than twelve feet wide, planted with shade trees.
7. Each parking area shall have interior landscaping areas, primarily planted with trees, equivalent in size to five percent (5%) of that parking area's total pavement area.
8. The size of a parking space may be reduced to a compact car space as presented in Appendix A, Table 4, for those spaces serving all-day parkers. Uses which generate frequent parking space turnover shall be required to have the standard size parking spaces.

**5.1.9. Special Permit To Reduce Number of Parking Spaces.** In the Industrial Districts, the number of parking spaces required by Appendix A, Table 3 may be reduced upon the grant of a special permit by the Planning Board upon its finding that special circumstances render a lesser number of spaces adequate for all parking needs. In order to qualify for a special permit, the petitioner

must present a site plan showing that all parking spaces needed to meet the requirements of Appendix A, Table 3 could be built on the site. Those spaces to be waived shall be marked "Reserve Parking Area(s)" on the plan, which shall be kept on file with a copy of the Planning Board's decision to grant a special permit. The reserve parking area(s) are to be maintained as landscaped areas unless and until construction of additional parking spaces is required by the Planning Board. No building other than parking spaces will ever be allowed in this area.

**5.1.10. Special Permit for Main Street Access.** In the General Business and Mixed Use Districts, where alternative access locations are feasible, parking lot driveways shall not provide access onto Main Street unless granted a special permit by the Planning Board upon its determination that such access onto Main Street is dictated by consideration of safety, congestion or conflict with other premises.

**5.1.11. Special Permit for Alternative Parking Lot Design.** In the General Business District, the design of a parking lot may differ from the requirements of Appendix A, Table 4 if granted a special permit by the Planning Board, provided that such design satisfies the objectives of Section 5.1. and the design is prepared by a professional engineer or landscape architect.

**5.1.12. Special Permit for Change in Parking Space Requirements.** In the General Business District, the number of off-street parking spaces required by Appendix A, Table 3 may be changed if granted a special permit by the Planning Board in accordance with the following provisions:

1. *Shared Private Parking Facilities.* Shared private parking facilities for different buildings or uses may be allowed by special permit in the General Business District, subject to the following provisions:
  - a. Up to fifty percent (50%) of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for a common parking facility.
  - b. A written agreement defining the joint use acceptable to the Planning Board of the common parking facility shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. Such agreement shall be recorded at the Registry of Deeds.
  - c. Any subsequent change in land uses for which the shared parking proposal was approved, and which results in the need for additional parking spaces, shall require a new special permit application under this subsection.
2. *Remote (Satellite) Parking Areas.* Remote (satellite) parking areas may be authorized by the Planning Board by special permit, subject to the following provisions:
  - a. The satellite parking spaces will be used solely by the employees and, where practicable, clientele of the commercial use;
  - b. The off-site parking spaces shall be located to adequately serve the proposed use and shall be within six hundred feet of the building served for clientele of the commercial use. Off-site parking for employees of the business may be located within a distance of

one thousand two hundred feet, unless shuttle vehicle arrangements are provided as a condition of the special permit. The parking distance shall be measured by the shortest route of pedestrian access, entrance to entrance.

3. *Pedestrian Access.* Any proposals submitted under this section which, in the opinion of the Planning Board, provide direct and vital pedestrian access to other abutting commercial properties and serve to improve pedestrian accessibility in the General Business District may reduce the number of parking spaces required by fifteen percent (15%). Pedestrian access shall be provided through improved pathways, stairway access or other physical improvements, and such access shall be clearly marked.

4. *Joint Driveways.* Joint driveways shall be permitted by special permit in the General Business District, subject to the following provisions:

- a. Joint driveways, for the purposes of Section 5.1 shall be regulated by a binding agreement satisfactory in form to Town Counsel and recorded at the Registry of Deeds.
- b. Joint driveways shall serve no more than two lots and shall be designed to provide access to another parking area or may straddle two lots if both lots are located in the General Business District.
- c. Joint driveways shall be designed so as to minimize conflict with traffic on public streets and with due regard to interior circulation and separation of pedestrian and vehicular traffic.

5. *Special Permit Decision.* Remote parking lots, shared parking lots or any enforceable alternatives which the Planning Board deems reasonable, may be allowed based on the following criteria and other applicable provisions presented in this subsection:

- a. The capacity, location and current level of use of existing parking facilities, both public and private;
- b. The efficient and maximum use of the General Business District in terms of parking needs and services provided;
- c. The relief of traffic and parking congestion;
- d. The safety of pedestrians;
- e. The provision of reasonable access either by walking distance or shuttle vehicle arrangements;
- f. The maintenance of the character of the area.

**5.1.13 Parking in Single-Family Residential A (SRA).** Within the SRA District, the creation of new multifamily dwellings, accessory dwelling units, or the conversion to two-family or multifamily dwellings must provide adequate parking as follows (Single-family houses are excluded from this regulation.): [Added 4-27-2004 ATM, Art. 42]

- a. **Parking:** All parking spaces shall be located in a side yard, rear yard, or garage. Only driveways may be located in the front yard.

**SECTION 5.2. SIGNS** [Amended 4-30-2002 ATM, Art. 57; 5-2-2005 ATM, Arts. 42, 43, 44, 45, 47 and 48; 5-26-2009 ATM, Art. 36]

**5.2.1. Purpose.** The following sign regulations are intended to:

1. Preserve the historical ambiance and aesthetic character of the town;
2. Maintain public safety by eliminating potential hazards to motorists created by distracting or confusing sign displays and excessive illumination;
3. Encourage efficient communication for business identification and public information.

**5.2.2. Definitions.** In this bylaw, the following terms shall apply:

1. **Sign:** A sign shall consist of any of the following elements:
  - a. Lettering, words, numerals, emblems, trademarks, logos, images, drawings, pictures, graphics, pennants, streamers, or other devices of any material or construction, however displayed, whether as an independent structure or as part of a building or other structure or object;
  - b. Any visual device designed to inform, attract or draw the attention of persons outside the premises on which the device is located, including messages within or attached to windows and doors;
  - c. Any exterior building surface that is internally illuminated or decorated with gaseous tubing, LED displays or back lighting.
2. **Sign Area:** The area of the smallest horizontal or vertical rectangle enclosing the entire display area of the sign. The display area of a sign is the entire area, different in color or composition from the façade or common trim of the building, used to frame or provide a background for the sign. The display area may contain open space and irregular shapes if they are part of the sign. The display area shall also include internally illuminated, back-lit or decoratively lighted sign support structures if such elements are present. The area of double-sided signs shall be calculated using the area of only one face of the sign.
3. **Sign Height:** The distance measured from the ground level at the base of the sign to the top of the sign or support structure, whichever is higher. For freestanding signs, the land under or surrounding the sign may not be built up or elevated to reduce the calculated height of the sign.
4. **Sign Support Structure:** Any device, such as a pole, bracket or post, used to support a sign. The sign support structure shall be excluded from the calculation of the sign area if it contains none of the elements described in §5.2.2.1 above, and, for freestanding signs, the total width of the support structure is less than 25% of the width of the supported sign.

5. *Attached Sign*: A sign that is either attached parallel to the façade of a building, facing in the same direction as the façade, or displayed on the fixed canopy or awning of a building. [Amended 4-28-2010 ATM, Art. 49]
6. *Freestanding Sign*: A sign that is supported by its own structure and is not attached to a building or other structure.
7. *Projecting Sign*: A sign mounted perpendicular to the building façade.
8. *Double-sided Sign*: A freestanding or projecting sign having two parallel opposite faces separated by a distance of not more than twelve (12) inches. A sign with two opposite faces that are not parallel shall be considered a double-sided sign if the two faces are joined to each other, or to a common support structure, at one end, and the angle of separation between the two faces does not exceed thirty (30) degrees.
9. *Temporary Sign*: A non-permanent sign that is displayed for a limited duration. Temporary signs may be exterior (displayed on the exterior or outside of a structure) or interior (attached or displayed from the inside of a structure, viewed from the outside through a window or other opening).
10. *Portable or Removable Sign*: A temporary sign of any shape or configuration that is self-supporting and not permanently fixed or mounted to the ground or to another structure.
11. *Internally Illuminated Sign*: A sign that is illuminated by a light source internal to the sign. Signs having a light source that forms the exterior surface of the sign or all or part of the design elements, shall be considered to be internally illuminated.
12. *Nonconforming Sign*: A sign, including its support structure, that does not conform to the regulations prescribed in this bylaw, but which was in existence at the time the regulations became effective and was lawful at the time it was installed or erected.
13. *Open Space*: For the purposes of this Section 5.2. open space shall be defined as undeveloped land available to the public at no cost, for passive recreation such as hiking, bird watching, fishing, photography, picnicking, cross country skiing, biking, horseback riding or other activities which do not alter or disturb the terrain and at the same time to conserve natural and scenic resources, protect air, streams or water supply, and enhance the value of the land to the public.
14. *Awning*: A fixed or retractable structure, whether made of canvas, plastic, metal or other material, placed over a storefront, door or window. For the purpose of this Section 5.2. Signs, awnings shall not be considered a sign. Lettering, symbols or graphic elements appearing on either the body or the valance of an awning (and not otherwise exempt) shall constitute an Attached Sign. The area of a sign displayed on an awning consists of the area encompassed by any lettering, symbols, or graphic elements distinct from the awning background color. [Added 4-28-2010 ATM, Art. 49]



**5.2.3. General Provisions.**

1. *Exemptions.* The following signs are exempt from the provisions of the bylaw:
  - a. Flags and insignia of any government, except when they are displayed in connection with the advertising or promotion of a commercial product or service.
  - b. Legal notices or informational devices erected or required by public agencies.
  - c. Signs affixed to standard gasoline pumps bearing the formula and price of gasoline. Such signs shall not exceed 2 square feet in area. Additional signage on the pumps may not exceed 20% of the surface area of the pump.
  - d. Integral decorative or architectural features of buildings, except for lettering, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights.
  - e. On-premises signs intended to guide and direct traffic and parking, not exceeding two (2) square feet in area and four (4) feet in height and bearing no advertising matter or internal illumination.
  - f. On valances of awnings or similar devices, lettering or symbols not exceeding three (3) inches in height.
  - g. On awnings or similar devices, one symbol or graphic element, without text, not exceeding five (5) square feet per awning.
  - h. Signs located on facilities or land under the care and control of the Massachusetts Bay Transportation Authority;
  - i. Banners installed subject to the provisions of the Andover General Bylaw, Article XII §44.
2. *Relevance.* A sign shall pertain to the premises on which it is located or to products, accommodations, services or activities that regularly occur or are offered on the premises.
3. *Maintenance.* All signs shall be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings and in accordance with the Commonwealth of the Massachusetts State Building Code, 780 CMR.
4. *Nonconforming Signs.*
  - a. Any nonconforming sign and/or support structure, legally permitted and erected prior to the adoption of this provision, or any amendments thereto, which remains un-altered in any way, may be continued and maintained.
  - b. Any sign associated with a business that has terminated activities loses its relevance and therefore becomes nonconforming. Any nonconforming sign and/or support structure shall be removed within thirty (30) days of a change in use or termination of activities on

the premises. [Amended 4-28-2010 ATM, Art. 49]

- c. Nonconforming signs shall not be enlarged, rebuilt, restored or altered except in conformity with this bylaw.
- d. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third (1/3) of the replacement value as of the date of such damage or destruction shall not be repaired, rebuilt, restored or altered except in conformity with this bylaw.

5. *Liability.* No sign shall project more than five feet over any public right-of-way or other public property. Any sign projecting over a public right-of-way shall be covered by liability insurance in the amount of two million dollars (\$2,000,000) as verified by a certificate of insurance filed with the Town Clerk.

**5.2.4. Sign Permit.** Unless specifically exempted or provided for elsewhere in this section, no sign shall be installed, erected, enlarged, redesigned or structurally altered without a sign permit issued by the Inspector of Buildings.

1. *Application and Review.*

- a. Sign Permit Application: A completed sign permit application, fulfilling all requirements for requested materials and documents and specifying all pertinent dimensions and materials, shall be submitted to the Inspector of Buildings prior to the installation or alteration of any sign for which a permit is required.
- b. Review by the Design Review Board: Prior to the issuance of a sign permit, the Design Review Board (DRB) shall, within 30 days of submission of an application for a sign permit, review an application for: (a) a municipal sign in any district; and (b) a sign greater than four (4) square feet in the General Business (GB) and Mixed Use (MU) Districts. Applications for review by the Design Review Board shall be submitted on a standard application form specified by the DRB. See §5.2.15, Design Guidelines for Signs. [Amended 4-28-2010 ATM, Art. 49]

2. *Criteria for a Special Permit.* When acting on an application for a special permit, the Board of Appeals shall consider the following:

- a. The character of the proposed sign and its suitability to the building and the surrounding neighborhood.
- b. Its relationship to the architectural style, size and scale of the building.
- c. The relevance of the information on the sign to the business or activities conducted on the premises.
- d. The impact of the size and illumination of the sign on other establishments and the surrounding neighborhood.
- e. The criteria specified in §9.6.4 of this Bylaw, and such other factors as the Board of Ap-

peals deems appropriate in order to assure that the public interest is protected.

**5.2.5. Prohibited Signs and Devices.**

1. No sign shall be lighted, except by a steady external and stationary light source which is shielded and directed solely at the sign, unless specifically provided for in this bylaw.
2. No illumination shall be permitted which casts glare onto any residential premises or onto any portion of a way so as to create a traffic hazard.
3. No commercial signs shall be illuminated in any residential district, or within two hundred (200) feet of a residential district, between the hours of 9:00 p.m. and 7:00 a.m., unless the establishment is open to the public.



4. No sign shall be illuminated by any color other than colorless or white light, except for temporary holiday lighting.
5. No animated, revolving, flashing, backlit, exposed neon or similar exposed gaseous tube illuminated signs shall be permitted.
6. No signs shall be attached to motor vehicles, trailers or other movable objects regularly or recurrently located for fixed display.
7. Visibility for motorists and pedestrians shall not be obstructed at any intersection, driveway, or crosswalk. See also Article VIII, §4.1.3.2.g.
8. No portable or removable sign shall be allowed in any zoning district except as permitted under §5.2.7.3.
9. No attached exterior sign shall cover any portion of a window or door casing.
10. No signs shall be allowed on the uppermost roof of any building.
11. No portion of a sign shall extend above the highest point of the roof or parapet of the building to which it is attached.

**5.2.6. Permanent Signs allowed in all zoning districts.** The following signs are allowed in all zoning districts. See also specific requirements for each zoning district in §5.2.9 through §5.2.14, inclusive.

1. One sign, either attached or freestanding, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon, does not require a sign permit if it does not exceed two (2) square feet in area.
2. Open Space signs. A sign on open space or other undeveloped property open to the public, bearing no commercial, or advertising material and displaying historical, cultural, educational, environmental, or safety information pertaining to such property and/or rules relating to the public use thereof, requires no sign permit if the sign is less than thirty five (35) square feet in area.
3. Off-Premises Directional Signs.
  - a. The Board of Selectmen may allow, by special permit, one un-lighted off-premises directional sign or signs within the public right-of-way or at any intersection designating the route to an establishment not on the street or way to which the sign is oriented.
  - b. The Board of Appeals may allow, by special permit, an off-premises directional sign or signs on private property designating the route to an establishment provided that the sign will not endanger public safety and is of such size, location and design that it will not be detrimental to the character of the neighborhood.
  - c. No off-premises directional sign shall exceed two (2) square feet in area.

- d. At locations where directions to more than one establishment are to be provided, all such directional signs shall be incorporated into a single sign support structure that shall not exceed six (6) feet in height.
- 4. Except as provided in Section 5.2.7. Political speech signs shall be allowed in all zoning districts but may not exceed the regulations for signs in said district.

**5.2.7. Temporary Signs allowed in all zoning districts.**

- 1. *General requirements.*
  - a. Temporary signs shall be allowed if the sign announces or provides directions to a sale or a special event having a limited and specific duration.
  - b. Temporary signs shall not advertise a continuing or regularly recurring business operation, product or a routinely provided service.
  - c. Temporary signs shall be removed promptly when the information they display is out of date or no longer relevant.
  - d. Temporary signs may be installed or in place for a period not to exceed thirty (30) days unless otherwise specified in this Bylaw.
- 2. *Temporary Signs not requiring a Sign Permit:*
  - a. Interior temporary signs that do not exceed thirty percent (30%) of the transparent area of the window and/or door on which they are affixed or displayed.
  - b. Exterior temporary signs, unless otherwise stipulated in this bylaw, shall not exceed ten (10) square feet in aggregate area per business entity. Permanently-installed sign support structures erected solely for the display of 'temporary signs' are prohibited.
  - c. Political signs pertaining to a candidate or ballot question appearing in an upcoming duly-called election in the Town of Andover.
    - i. Such signs shall be permitted only on private property.
    - ii. Such signs shall have an area not to exceed six (6) square feet.
    - iii. Such signs shall not be higher than three (3) feet above ground level.
    - iv. Such signs shall be stationary and shall not be illuminated.
  - d. Unless otherwise specified in this Bylaw, temporary signs pertaining to other noncommercial issues shall require no sign permit and shall be allowed in all zoning districts. Such signs shall be subject to the requirements set forth in §5.2.7.2.c above.
  - e. One (1) temporary sign, related to property maintenance or improvement which does not require a building permit, shall be allowed on the premises associated with the mainte-

nance or improvement, subject to the following conditions:

- i. The sign shall not be lighted or illuminated.
  - ii. The sign shall have an area not to exceed six (6) square feet.
  - iii. The sign shall be set back a minimum of fifteen (15) feet from the nearest vehicular public or private way and shall not obstruct the line of sight for vehicles entering or exiting the property or adjacent properties.
  - iv. The sign shall be removed within thirty (30) days of the completion of the work on the premises.
- f. One (1) temporary sign, related to the construction, maintenance or improvement of a property requiring the issuance of a building permit, shall be allowed on the property associated with the building permit, subject to the following conditions:
- i. The sign shall not be lighted or illuminated.
  - ii. A freestanding sign shall have an area not to exceed fifteen (15) square feet and a height not to exceed five (5) feet.
  - iii. A sign attached to the structure under construction shall have an area not to exceed fifteen (15) square feet and a height not to exceed ten (10) feet above the ground level.
  - iv. A freestanding sign shall be set back a minimum of fifteen (15) feet from the nearest vehicular public or private way and shall not obstruct the line of sight for vehicles entering or exiting the property or adjacent properties.
  - v. The sign shall be removed within thirty (30) days of project's completion, or when an occupancy permit is issued, whichever is sooner.
- g. A non-profit entity or institution may install a temporary sign announcing or providing directions to a specific event or occurrence, subject to the following conditions:
- i. The sign area shall not exceed twelve (12) square feet.
  - ii. The sign may be installed for a period not to exceed thirty (30) days.
3. *Temporary Signs requiring a Sign Permit:*
- a. **Portable or Removable Sign:** The Inspector of Buildings may issue a permit for the temporary placement of a portable or removable sign that announces or provides directions to a specific event or occurrence, subject to the following conditions: The permit may impose limiting conditions, including among other matters the number of signs allowed at each location.
- i. The sign shall be securely anchored so as not to be dislodged or blow over.

- ii. The sign shall be neat and professional in appearance.
  - iii. The sign shall have an area not to exceed six (6) square feet and a height not to exceed four (4) feet.
  - iv. The sign shall be removed at the close of each business day and at the expiration of the permit.
  - v. The sign shall not obstruct a public or private walkway.
- b. Real Estate Signs: The Inspector of Buildings may issue a renewable one-year permit for the temporary placement of a sign advertising the sale, rental or lease of the premises or subdivision on which the sign is erected. No sign permit for an individual sign shall be required if the erecting agent has obtained a blanket one-year permit for erecting such signs. All real estate signs shall meet the following requirements:
- i. In the SRA, SRB, and SRC zoning districts, the sign area shall not exceed eight (8) square feet.
  - ii. In all other zoning districts, the sign area shall not exceed twenty-five (25) square feet.
  - iii. The sign shall not be lighted or illuminated.

**5.2.8. Signs in Residential Districts (SRA, SRB, SRC, APT).**

1. *Single Family Residential Districts (SRA), (SRB), and (SRC).* In addition to the signs allowed in §5.2.6, the following signs are allowed:

- a. One sign, either attached or freestanding, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon; does not require a sign permit and shall not exceed two (2) square feet in area.
- b. Any sign, either attached or freestanding, that exceeds two (2) square feet in area may be allowed by special permit from the Board of Appeals. In no case, however, shall the sign area exceed six (6) square feet or the sign height exceed four (4) feet.

2. *Apartment Districts (APT).* In addition to the signs allowed in §5.2.6, the following signs are allowed:

- a. One (1) freestanding sign, identifying entry points to the housing complex on each street on which the complex has street frontage, provided that the frontage also provides vehicular or pedestrian access to the complex. The sign area shall not exceed fifteen (15) square feet and the sign height shall not exceed eight (8) feet.

**5.2.9. Signs in General Business (GB) Districts.** In addition to the signs allowed in §5.2.6, the following signs are allowed for commercial or business uses:



1. One (1) attached sign shall be allowed, oriented to each street and parking lot on which the commercial or business use has a façade, providing that such façade has either a window or a direct entryway into the use's space. [Amended 4-28-2010 ATM, Art. 47]

- a. The sign may be either attached flat against the wall or placed on an awning or fixed canopy of the building.
- b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
- c. The sign area of a flat attached sign for any individual commercial or business use shall not exceed fifteen (15) percent of the portion of the façade associated with that use.
- d. Flat attached signs oriented to the street shall not exceed fifty (50) SF in area.
- e. Flat attached signs oriented to a parking lot shall not exceed twenty-five (25) SF in area unless they mark the primary entrance to a building or establishment, in which case the sign area shall not exceed fifty (50) square feet.
- f. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet.
- g. Lettering on the valance of an awning shall not exceed 4.5 inches.

2. In addition to the above, each building that is set back a minimum of five (5) feet from the property line may install one (1) freestanding sign, with a sign area not to exceed twelve (12) square feet and a sign height not to exceed six (6) feet above ground level.

3. In addition to the above, each commercial or business use may install one (1) projecting sign on each façade providing that such façade has either a window or a direct entryway into the use's space, subject to the following conditions:

- a. The sign area shall not exceed nine (9) square feet, excluding sign support structure.
- b. The bottom of a projecting sign shall be at least eight (8) feet above the ground, and the top of the sign shall be no more than twenty-five (25) feet from the ground.
- c. No sign shall project more than five (5) feet from the façade to which it is attached.
- d. A larger sign may be allowed by special permit from the Board of Appeals; in no case, however, shall the sign area exceed fifteen (15) square feet.

4. A building occupied by multiple commercial or business uses may install a single directory sign, either attached to or projecting from the building, identifying those occupants. The total area of such a directory sign shall not exceed one (1) square foot per occupant.

5. Unlighted graphics, lettering or symbols with transparent background mounted on the

inside of windows or transparent entry doors shall require no sign permit if their area does not exceed 30% of the glass or transparent area. Telephone numbers, web addresses, prices, and similar text shall not exceed two (2) inches in height.

**5.2.10. Signs in Mixed Use (MU) Districts.** In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One (1) attached sign shall be allowed, oriented to each street and parking lot on which the commercial or business use has a façade, providing that such façade has either a window or a direct entryway into the use's space. [Amended 4-28-2010 ATM, Art. 47]

a. The sign may be either attached flat against the wall or placed on an awning or fixed canopy of the building.

b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.

c. The sign area of a flat attached sign for any individual commercial or business use shall not exceed ten percent (10%) of the portion of the façade associated with that use and in no case shall the sign area exceed eighty (80) square feet.

d. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet.

e. Lettering on the valance of an awning shall not exceed 4.5 inches.

2. In addition to the above, each building that is set back a minimum of five (5) feet from the property line may install one (1) freestanding sign, with a sign area not to exceed twenty-five (25) square feet and a sign height not to exceed eight (8) feet above ground level.

3. In addition to the above, each commercial or business use may install one (1) projecting sign on each façade of the building, subject to the following conditions:

a. The façade shall have either a window or a direct entryway to the premises.

b. The sign area shall not exceed nine (9) square feet, excluding any sign support structure.

c. No sign shall project more than five (5) feet from the façade to which it is attached. The bottom of a projecting sign shall be at least eight (8) feet above the ground, and the top of the sign shall be no more than twenty-five (25) feet from the ground. [Amended 4-28-2010 ATM, Art. 49]

d. A larger sign may be allowed by special permit from the Board of Appeals; in no case, however, shall the sign area exceed fifteen (15) square feet.

4. A building occupied by multiple commercial or business uses may install a single directory sign, either attached to or projecting from the building, identifying those occupants. The total area of such a directory sign shall not exceed one (1) square foot for each occupant

listed thereon.

5. Unlighted graphics, lettering or symbols with transparent background mounted on the inside of windows or transparent entry doors shall require no sign permit if their area does not exceed 30% of the glass or transparent area. Telephone numbers, web addresses, prices, and similar text shall not exceed two (2) inches in height.

**5.2.11. Signs in Office Park Districts (OP) and Limited Service Districts (LS).** In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One (1) freestanding sign shall be allowed for each street upon which a building or complex has frontage, subject to the following conditions:
  - a. The sign area shall not exceed twenty-five (25) square feet and the sign height shall not exceed eight (8) feet.
  - b. The Board of Appeals may grant, subject to the criteria of §5.2.4.2, a special permit for a larger sign if required for legibility, up to sixteen (16) feet in height, if the property fronts on a high-speed, limited access highway.
2. In addition to the above, one (1) attached sign for each street upon which a building or complex has frontage. The sign may be either attached flat against the wall or placed on an awning or fixed canopy of the building. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached. The sign area of a flat attached sign shall not exceed twenty-five (25) square feet. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet. Lettering on the valance of an awning shall not exceed 4.5 inches. [Amended 4-28-2010 ATM, Art. 48]
3. In addition to the above, each business or tenant shall be limited to one sign (attached or projecting) for each street and parking lot on which the business or tenant has an entryway. The sign area shall not exceed three (3) square feet. [Amended 4-28-2010 ATM, Art. 48]
4. The Board of Appeals may grant, subject to the criteria of §5.2.4.2, a special permit for a second sign on a building facing a limited access, high-speed highway. The content of a second sign shall be limited to the name of the principal tenant of the building.

**5.2.12. Signs in Industrial G (IG) Districts.** In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One sign attached flat against the wall or placed on an awning or fixed canopy of the building, identifying the name of the firm and/or goods and services available or produced on the premises, subject to the following conditions: [Amended 4-28-2010 ATM, Art. 48]
  - a. The sign area of a flat attached sign shall not exceed twenty percent (20%) of the area of the side of the building to which it is attached, or eighty (80) square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet. Lettering on the valance of an awning shall not exceed 4.5 inches.

b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.

2. In addition to the above, one (1) freestanding sign, identifying the name of the firm and/or the goods and services available or produced on the premises, for each street on which the property fronts, subject to the following conditions:

a. The area of each sign shall not exceed fifty (50) square feet.

b. No part of any such sign shall be more than eight (8) feet above ground level.

c. No such sign shall be located closer than five (5) feet to any property line or the line of any street or way.

3. The Board of Appeals may grant, subject to the criteria of §5.2.4.2, a special permit for a larger or an internally-illuminated sign.

**5.2.13. Signs in Industrial A (IA) Districts.** In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One or more signs attached flat against the wall or placed on an awning or fixed canopy of a building, identifying the name of the firm and/or the goods and services available or produced on the premises, subject to the following conditions: [Amended 4-28-2010 ATM, Art. 48]

a. The total area of all such signs on a building shall not exceed twenty percent (20%) of the area of the side of the building to which they are attached, or two hundred (200) square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet. Lettering on the valance of an awning shall not exceed 4.5 inches.

b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.

2. One (1) freestanding sign, identifying the name of the firm and/or the goods and services available or produced on the premises, for each street on which the property fronts, subject to the following conditions:

a. The area of each sign shall not exceed one hundred (100) square feet.

b. No part of any such sign shall be more than twenty-five (25) feet above ground level.

c. No such sign shall be located closer than five (5) feet to any property line or the line of any street or way.

3. Internally illuminated signs are allowed.

**5.2.14. Signs in Industrial D (ID) Districts.** In addition to the signs allowed in §5.2.6, the following signs are allowed:

1. One or more signs attached flat against the wall or placed on an awning or fixed canopy of a building, identifying the name of the firm and/or the goods and services available or produced on the premises, subject to the following conditions: [Amended 4-28-2010 ATM, Art. 48]
  - a. The total area of all such signs on a building shall not exceed ten percent (10%) of the area of the side of the building to which they are attached, or two hundred (200) square feet, whichever is less. Attached signs displayed on the body of awnings or canopies shall not exceed twenty percent (20%) of the area of the awning or canopy, and in no case shall they exceed twenty-five (25) square feet. Lettering on the valance of an awning shall not exceed 4.5 inches.
  - b. No portion of the sign shall extend above the highest point of the roof or parapet of the building to which it is attached.
2. In addition to the above, one (1) freestanding sign, identifying the name of the firm and/or the goods and services available or produced on the premises, for each street on which the property fronts, subject to the following conditions:
  - a. The area of each sign shall not exceed one hundred (100) square feet.
  - b. No part of any such sign shall be more than twelve (12) feet above ground level. [Amended 4-28-2010 ATM, Art. 49]
  - c. No such sign shall be located closer than five (5) feet to any property line or the line of any street or way.
3. Internally illuminated signs are allowed.



**5.2.15. Design Guidelines for Signs.** The following are further means by which the objectives for signs stated in Section 5.2.1 can be served. These guidelines are not mandatory, but the degree of compliance with them shall be considered by the Special Permit Granting Authority in acting upon special permits, and by the Design Review Board as authorized hereunder.

1. Efficient Communication.

- a. Signs should not display brand names, symbols or slogans of nationally distributed products except in cases where the majority of the floor or lot area of the premises is devoted to manufacture, processing or sale of that specific product.
- b. Premises chiefly identified by or associated with a specific product brand name (such as gasoline or automobiles) should devote some part of their permitted sign area to displaying the identity of the local outlet or proprietor.
- c. Signs should not contain advertising slogans or other advertising material which is not an integral part of the name or other identification of the product or enterprise.
- d. Sign content normally should not occupy more than forty percent (40%) of the sign background, whether a signboard or a building element.
- e. Non-verbal devices should be considered, in addition to text, as such graphic images can provide rapid and effective communication as well as character.

2. Environmental Relationship.

- a. Sign brightness should not be excessive in relation to background lighting levels, e.g., averaging not in excess of one hundred foot-lamberts in the downtown or similarly bright areas and not in excess of twenty foot-lamberts in unlighted outlying areas.

3. Relationship to Buildings.

- a. Signs should be sized and located so as to not interrupt, obscure or hide the continuity of columns, cornices, eaves, sill lines or other architectural elements of the building and, wherever possible, should reflect and emphasize the building's architectural form.
- b. Sign materials, colors and lettering should be representative of and appropriate to the character of the building to which the sign relates, just as sign size should be related to building size.

### 5.3. LANDSCAPING, BUFFERING AND LIGHTING

**5.3.1. Office Park District.** In the Office Park District, landscaping shall be provided and maintained in accordance with planting approved by the Planning Board and incorporated as part of the plans on which the special permit of the Board of Appeals is based.

**5.3.2. Industrial Districts.** In the Industrial Districts, landscaping shall be provided and maintained in front yards and in side yards abutting public ways for aesthetic reasons to break up lines of build-

ings, in parking areas (as per Section 5.1.8) and for screening accessory facilities under the requirements discussed below. Specifically, in Industrial Districts IA and ID, landscape screening shall be provided adjacent to:

1. Abutting properties situated in residential or office park districts;
2. Abutting existing residential properties in industrial districts; and
3. Abutting limited access highways and rivers in addition to the landscaping in front and side yards mentioned above.

Landscape screening shall consist of plantings, including evergreens, the plantings to be of such height and depth as is needed to screen adequately from view from abutting area any unshielded light source, either inside or outside a building, or to screen parking lots, tanks, loading bays, outdoor storage and work areas and similar accessory operations or facilities not hidden by building. Fences or walls may be made a part of such screening where deemed necessary but shall not be suitable as a substitute therefor or themselves be left unscreened from abutting areas. The adequacy of the screening and landscaping shall be approved by the Inspector of Buildings on the advice of the Planning Board and shown on planting plans which shall be incorporated in the Inspector of Buildings records. In cases requiring a special permit, these plans shall also be incorporated as part of the findings of the Board of Appeals in the matter.

**5.3.3. General Business and Mixed Use Districts.** In the General Business District and Mixed Use District, all lots in use other than solely as single-family residential shall meet the following standards:

1. A buffer area shall be provided for screening purposes along the entire length of each property line (excluding driveway access points) which abuts either a lot which is zoned Single Residence A, B or C; or a lot which contains a residential use, regardless of the zoning district in which said lot is located. The following standards shall apply:
  - a. Width: the buffer area dimensions shall meet the following standards:
    1. In a General Business District, the buffer area shall measure at least five feet in width;
    2. In a Mixed Use District, the buffer area shall measure at least ten feet in width.
  2. If a landscaped treatment is selected, minimum requirements are plantings of evergreen shrubs measuring at least four feet high at time of planting and which may be expected to form a six foot high screen within three years, the entire length of the buffer area to be eighty percent(80%) or more opaque when viewed horizontally.
  3. If a fencing treatment is selected, minimum requirements are a solid fence 6 feet in height with twenty percent (20%) or more of the fence face planted with evergreens, such screening to be compatible with the character of the neighborhood.
  4. Where landscaped areas abut parking areas and/or driveways, the landscaped areas shall be protected from vehicular encroachment by curbs or berms.



5. The owner of the property shall be responsible for the proper maintenance and replacement of all landscape materials. All fences shall be maintained in a safe condition. Planted screening shall be maintained, and dead portions of any natural screening shall be promptly replaced.

**5.3.4. Limited Service District.** In the Limited Service District, landscape screening shall be provided and maintained as required in Section 5.3.2 of this by-law. Parking areas shall be enclosed (except for access points) by a landscaped buffer not less than twelve feet wide, planted with shade trees. Each parking area shall have interior landscaping areas, primarily planted with trees, equivalent in size to five percent (5%) of that parking area's total pavement area.

**5.3.5. Exterior Lighting.** Where exterior lighting is installed on a lot, it shall be designed and installed so as to prevent glare or overspill from the light source onto adjacent property or into any public way.

## **SECTION 6.0. SPECIAL REGULATIONS**

### **6.1. WIRELESS COMMUNICATION FACILITIES OR OTHER SIMILAR COMMUNICATIONS USE**

**6.1.1. Applicability.** The Board of Appeals may issue a special permit for a wireless communications facility or other similar communications use as defined herein in districts where allowed by Appendix A, Table 1; excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district. For purposes of this by-law, wireless communications facilities do not include the following accessory uses or structures: antennae or dishes used solely for residential household television and radio reception; antennae or dishes used for commercial or public purposes which are not visible from any neighboring property or public way, or dishes used for those purposes measuring thirty-nine inches or smaller in diameter; nor amateur radio facilities actively used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission (FCC), provided that the tower is not used or licensed for any commercial use. Amateur radio facilities shall be subject to the requirements of Section 6.2 of this by-law. All other wireless communications facilities or other similar communications uses shall be subject to the following standards and conditions.

**6.1.2. Design Standards.** Design provisions for such facilities shall include, but are not limited to, the following:

1. *Setback and Height.* Towers, antenna, antenna support structures and other vertical elements of wireless communications facilities situated on property abutting a residential district or on a lot in residential use, or upon property in a residential district shall be set back from the nearest residential lot line, even if that lot line is in another municipality, a horizontal distance at least equal to three times their vertical height. In all districts, the height of wireless communications towers shall not exceed one hundred twenty-five feet above the ground. In all districts the height of a ground-mounted dish antenna shall not exceed eighteen feet measured from the mean finished grade of the base. In non-residential districts, the Special Permit Granting Authority may allow a lesser setback or greater height if such modification provides adequate safety, promotes co-location or improves design, and will not signifi-

9. Certification by a structural engineer that the proposed Wireless Communications Facility is structurally sound. [Added 5-26-2009 ATM, Art. 64]

10. Design details for the foundation of a proposed tower, the connection of the proposed tower to the foundation and the breakaway points of the proposed tower. [Added 5-26-2009 ATM, Art. 64]

11. A balloon or crane test, and a report thereon as to the aesthetic effect of a proposed tower, are required for a proposed tower. Within two weeks following the first public hearing, a test shall occur in accordance with the following requirements. The applicant shall notify the Special Permit Granting Authority at least 5 business days in advance of such test. [Added 5-26-2009 ATM, Art. 64]

1. A three foot diameter brightly colored balloon or crane shall be at the maximum height and at the location of the proposed tower.
2. The balloon or crane will remain in place for at least eight (8) hours during daylight hours.
3. At least five (5) business days prior to the test, the applicant shall cause notice of the test to be published in a newspaper of general circulation in the Town.

**6.1.4. Co-location.** All new wireless communication facilities shall be co-located, to the maximum extent practicable and technologically feasible, with one or more existing wireless communications facilities, towers, buildings or other structures whose height, locations and characteristics meet the needs of the proposed facility.

1. All new wireless communication towers or support structures shall be designed, to the maximum extent practicable and technologically feasible, for co-location of antennas and other necessary facilities for at least three other wireless communications providers, shall offer space to all other providers at market rates, and shall provide for towers that can be extended upward. Any special permit granted for a new facility under this section may be conditioned upon the written agreement of the facility operator to allow the co-location of other wireless communication providers on commercially reasonable terms.

2. Any applicant proposing not to co-locate their facility or proposing to locate their facility in a residential district shall provide written evidence and documentation demonstrating why it is not feasible for their facility to be co-located with existing facilities or sited in other, non-residential districts. Applicant shall be prepared to submit more than one option based on the above. The town will have an independent Radio Frequency Engineer review optional proposed location to determine its necessity. The town will have the option of back charging the applicant for the associated fees.

**6.1.5. Frequencies.** All telecommunications facilities shall be operated only at Federal Communications Commission (FCC) designated frequencies, power levels and standards, including FCC Radio Frequency Emissions standards. The applicant shall provide certification demonstrating that the maximum allowable frequencies, power levels and standards will not be exceeded. Certifications shall include technical specifications, a written explanation of those specifications, and, if necessary, field verification. The Permit Granting Authority may condition any special permit granted under this

section upon a periodic submittal of certification of compliance with said standards. As is required by the Federal Telecommunications Act of 1996, there may be no regulation of the telecommunication facilities on the basis of the environmental effects of radio frequency emissions, other than as required by the Federal Communications Commission. [Amended 5-26-2009 ATM, Art. 64]

**6.1.6. Repair and Upkeep.** All wireless communications facilities shall be maintained in good order and repair. Paint finishes shall be maintained and repaired when blemishes are visible from the property line. The applicant shall provide an inspection schedule, and shall file copies of inspections with the Inspector of Buildings.

**6.1.7. License and Permits.** The operator of every wireless communications facility shall submit to the Inspector of Buildings copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility, and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

**6.1.8. Removal.** All structures associated with a wireless communications use shall be removed within one year of the cessation of said use. If applicable, an annual certification demonstrating continued compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute, including provisions for required maintenance, shall be filed with the Inspector of Buildings by the permit holder.

**6.1.9. Post Bond or Other Financial Surety.** Prior to the issuance of a building permit for a wireless communications use, the applicant shall post and submit a bond or other financial surety acceptable to the town in an amount sufficient to cover the cost of demolishing and/or removing the facility in the event the Inspector of Buildings condemns the property or deems it to have been abandoned or vacant for more than one year. Said amount shall be certified by an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts. In the event the posted amount does not cover the cost of demolition and/or removal, the Town may place a lien upon the property covering the difference in cost.

**6.1.10. Modifications by Special Permit Granting Authority.** The Special Permit Granting Authority may modify any provision of these standards if it can be demonstrated that it is technically infeasible to meet said standards or conditions, or that their effect is to prohibit the proposed use throughout the town, or if such modification will promote use of existing buildings or structures, collocation of wireless communications uses, improved safety or design, or otherwise promote the purposes of this by-law.

**6.1.11. Modifications by Applicant.** The Applicant shall not add equipment to an existing tower without reapplying for the additions and submitting revised emission levels below current safety guidelines.

**6.1.12. Notice of Settlement Discussion.** At least ten (10) days prior to each public hearing of the Special Permit Granting Authority where a public discussion is to occur regarding any proposed settlement of pending litigation relating to an application under this section, the Special Permit Granting Authority shall send notice of such public discussion by first class mail to all abutters within 300 feet of the proposed Facility. [Added 5-26-2009 ATM, Art. 64]

**6.1.13. Report of Compliance.** Prior to operation of the Facility, an engineer must submit a report to the Building Inspector, stipulating that the Wireless Communication Facility as constructed is in compliance with the Federal Communications Commission requirements and was constructed in accordance with the plans as approved by the Special permit Granting Authority. This report shall be submitted within ten (10) days of completion of construction of the Facility. [Added 5-26-2009 ATM, Art. 64]

## **6.2. AMATEUR RADIO FACILITIES**

**6.2.1. Applicability.** The Board of Appeals may issue a special permit for an amateur radio facility (tower or antenna) subject to the following requirements.

**6.2.2. Design Standards.** The application shall include a site plan showing the dimensions of the lot upon which the amateur tower is to be erected; the location of the tower base, and a notation as to the height of the tower; distances to property lines; the location of any anchor guys; and such other reasonable information as the Board may require to properly review the application. The applicant shall submit information giving the specifications for the tower materials and details for footing and guying.

1. The height of an amateur radio tower, inclusive of its appurtenant devices, shall not exceed one hundred feet, and no dish antenna may be mounted on an amateur radio tower.
2. For purposes of public safety an amateur radio tower may not be erected nearer to any property line than a distance equal to the vertical height of the tower inclusive of any appurtenant devices measured from the base of the tower.
3. A ground mounted amateur radio tower shall be located in the rear yard only. A tower or antenna affixed to a residential structure shall be located on the side or rear of such structure.
4. In order to provide for visual buffering the Board may require fencing or vegetative screening at the base of an amateur radio tower.
5. For purposes of safety the Board may require a fence or locked gate surrounding the base of an amateur radio tower of height determined by the Board to be sufficient to restrict unauthorized access.
6. No portion of an amateur radio tower shall be utilized as a sign or have signage attached to it.
7. An amateur radio tower shall be dismantled by the applicant if the Inspector of Buildings determines the tower to be structurally unsound and a danger to life and limb.

**6.2.3. Nontransferable.** A special permit for an amateur radio tower is not transferable. Within one hundred twenty days of the transfer of the lot upon which the tower is situated, the new owner shall either apply for a new special permit or dismantle the tower.

## **6.3. EARTH MOVEMENT**

**6.3.1. Applicability.** This section shall apply to the importing, exporting and/or regrading of earth materials as defined in Section 10.0 of this by-law. Except on land in public use, no person shall conduct or cause to be made any earth movement activities for purposes not in conformity with the intent and purpose of this by-law. Earth movement activities as described above and defined shall be in accordance with one of the following procedures.

**6.3.2. Regrading, Importing or Exporting of Earth Materials Incidental to Subdivision Development in Single Residence Districts.**

1. A special permit from the Planning Board shall be required for any earth movement undertaken in connection with the construction of streets in a subdivision. Whenever and wherever possible, cuts and fills associated with the construction of such streets shall be balanced to minimize movement of materials on or off the right-of-way.
2. A special permit from the Planning Board shall be required for earth movement associated with the preparation of lots in a subdivision. Under such a permit, regrading shall be in conformity with the slope requirements set forth in Section 4.1.4.5 of this by-law. Changes in the final elevations from those shown on the definitive plan shall be limited to less than one foot.
3. Applications for special permits for earth movement shall, at a minimum, indicate the quantity and composition of materials to be regraded, imported or exported, the estimated number of truckloads involved, the purpose for which the materials are to be moved and the location of the site on which the earth movement will be conducted. All calculations pertaining to the quantity of earth materials involved shall be prepared and certified by a registered professional engineer. Before granting any special permit under Section 6.3.2.1, 6.3.2.2, or 6.3.2.3 the Planning Board must find that the subdivision plan as a whole makes the best feasible design of existing topography, and in making such finding the Board shall take into account the magnitude of the change in topography resulting from the subdivision plan, the extent of cuts and fills, the amounts of earth materials involved, the removal of existing vegetation, the preservation and protection of significant natural topographic features such as es- sers, streams, mature vegetation and rock outcrops, and the type and size of the subdivision plan, whether it be conventional or cluster. The Board shall consider the effects on adjacent properties and streets resulting from the earth movement activities and may impose and set forth in the permit such restrictions and conditions as deemed reasonable and in the public interest, including but not limited to the following:
  - a. The duration of time during which the special permit may be exercised;
  - b. The extent, depth and contours of the land;
  - c. The grades of slopes;
  - d. The proximity to any public way;
  - e. The hours during the day during which the activities may be conducted;
  - f. The hours of the day during which vehicles may be loaded or unloaded and the times during which such vehicles may enter or leave the property;

- g. The use of covers over earth materials in vehicles involved in transporting earth materials;

h. The cleaning of street surfaces during and following the transport of earth materials.

4. Earth movement associated with the preparation of a specific building lot may take place only after the issuance of a building permit by the Inspector of Buildings, and such earth moving activities shall be subject to the provisions of all applicable special permits issued by the Planning Board. Earth movement solely associated with the required standards for construction or installation of a sewage disposal system is allowed subject to a report from the Board of Health certifying that the volumes of such earth materials are required for such system, and that such materials are solely associated with the required standards for construction or installation of the system, said report to be submitted to the Planning Board as part of the application for a special permit.

**6.3.3. Regrading, Importing or Exporting of Earth Materials Incidental to Construction or Improvements on Individual Lots in Single Residence Districts.** Regrading or importing of less than three hundred cubic yards or exporting of less than fifty cubic yards of earth materials during any three-year period is permitted. Where volumes in excess of these limits are desired, application must be made to the Inspector of Buildings for an earth moving permit. All regrading shall be in conformity with the slope requirements set forth in Section 4.1.4.5 of this By-law and shall be limited to less than eight hundred cubic yards on lot areas less than one acre and eight hundred cubic yards per acre of lot area on lots greater than one acre. Importing or exporting shall be limited to five hundred cubic yards per acre of lot area up to a maximum of two thousand cubic yards for any single lot. The application shall contain the information required under Section 6.3.2.3 above. All calculations pertaining to the quantity of earth materials involved shall be prepared and certified by a registered professional engineer. The Inspector of Buildings may impose and set forth in the permit such restrictions and conditions as deemed reasonable and in the public interest, including but not limited to the conditions set forth in Sections 6.3.2.3.a through h above. Regrading, importing or exporting of earth materials in excess of the limits specified in this paragraph shall be permitted only if specifically required by the Board of Health for the construction of sewage disposal systems, and a report from the Board of Health certifying same shall be submitted to the Inspector of Buildings.

**6.3.4. Earth Movement Incidental to Construction or Improvements in Apartment, Business or Industrial Districts.** Regrading, importing or exporting of earth materials incidental to construction or improvements in Apartment, Business or Industrial Districts shall be subject to the provisions of Sections 7.2, 7.3, 7.5, 7.6.2, 7.6.3, and 9.5 of the by-law which require site reviews by the Planning Board.

**6.3.5. Miscellaneous Earth Movement.** A special permit from the Board of Appeals shall be required for earth movement not covered under the provisions of Sections 6.3.2, 6.3.3, and 6.3.4. Regrading or importing of less than three hundred cubic yards or exporting of less than fifty cubic yards of earth materials during any three-year period is allowed without special permit.

#### **6.4. WIND ENERGY TOWERS**

**6.4.1. General.** A special permit for the construction of a tower to secure wind-energy conversion systems designed to service the principal use may be granted by the Board of Appeals in districts where authorized by Appendix A, Table 1, subject to the following requirements and the special permit provisions of Section 9.4.

**6.4.2. Application.** Application for the construction of a wind-energy tower shall include the following information:

1. A site plan certified by a registered land surveyor or registered professional engineer indicating the dimensions of the lot, the proposed tower location and distances to property lines, existing and/or proposed building locations, existing and/or proposed overhead utility lines and such other reasonable information as the Board may require to properly review the merit and safety of the proposed tower.
2. A construction plan indicating manufacturer's specifications for the tower materials, construction details and details for footing and guying.

**6.4.3. Design Requirements.**

1. No tower inclusive of its appurtenant device(s) shall exceed one hundred feet in height nor be erected nearer to any property line than a distance equal to the vertical height of the tower inclusive of its appurtenant device(s) measured at the mean finished grade of the tower base unless the Board determines such restriction to be unnecessary due to the shape, topography, use or ownership of the abutting property and the Board determines that a reduction to this setback requirement will not substantially derogate from the intent or purpose of this subsection.
2. The tower shall be erected in such a manner to inhibit unauthorized access, either in the form of a suitable locked gate and fence surrounding the base of the tower, a nonclimbable section of tower to a height of ten feet above the ground or other means determined suitable by the Board.

**6.4.4. Operating Requirements.**

1. The operation of any device authorized by the Board shall not cause interference to neighboring television and radio reception, and, if such occurs anytime after installation, the applicant shall, in a timely manner and at his expense, correct the cause of the interference as determined by a qualified engineer/technician.
2. The operation of any device authorized by the Board shall not emit noise in excess of the background noise levels measured at the applicant's property lines, and, if such excess noise occurs anytime after installation, the applicant shall, in a timely manner and at his expense, correct the cause of the noise as determined by a qualified engineer/technician.
3. The applicant shall maintain the tower and all devices authorized by the Board in a manner that ensures its continued performance and safety. It shall be the responsibility of the applicant to annually inform (in writing) the Inspector of Buildings that the tower and all devices are in good operating condition and in continued use.
4. The tower shall be dismantled by the applicant if:
  - a. The use of the tower and its devices is discontinued for a period of two years; or



- b. The Inspector of Buildings determines the tower to be structurally unsound and a danger to life and limb; or
- c. The land upon which the tower is situated is transferred and the new owner does not receive a new special permit for the tower within ninety days of transfer of the property; or
- d. For any reason the applicant is unable to correct in a timely manner the interference or excessive noise referred to herein.

#### 6.5. ADULT USES.

**6.5.1. Purpose.** It is the purpose and intent of this by-law to address and mitigate the secondary effects of the adult uses referenced herein, which included increased crime, adverse impacts on the public health, safety and welfare, decreased property values and neighborhood blight, all of those secondary effects having been clearly confirmed in numerous nationwide studies, in addition to reports given by public safety officials, all of which have been relied upon in considering the enactment of this by-law.

**6.5.2. Standards.** The following standards shall apply to adult uses as defined in Section 10.0 of this by-law:

1. *Separation Distances.* Adult uses may be permitted only when located outside the area circumscribed by a circle which has a radius consisting of the following distances from specified uses or zoning district boundaries:

- a. Five hundred feet from the district boundary line of any residence district (SRA, SRB, SRC, APT);
- b. Five hundred feet from any other adult use as defined herein;
- c. Three hundred feet from any establishment licensed under G.L. c. 138, s. 12.
- d. Fifteen hundred feet from the boundary of any school.

2. *Radius Distance.* The radius distance shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed adult use is to be located to the nearest point of the parcel of property or the zoning district boundary line from which the proposed adult use is to be separated. In the case of the distance between adult uses (see subsection 6.5.2.1.b) and between an adult use and an establishment licensed under G.L. c. 138, s. 12 (see subsection 6.5.2.1.c), such distances shall be measured between the closest points of the buildings in which such uses are located.

3. *Size.* With the exception of an adult cabaret or an adult motion-picture theater, adult uses may not exceed thirty-five hundred square feet of net floor area.

4. *Parking Requirements.* The following parking requirements shall apply:

- a. Parking for adult bookstores, adult paraphernalia stores and adult video stores shall meet the requirements of Appendix A, Table 3, subsection C.4.a.
- b. Parking for adult cabarets and adult motion-picture theaters shall meet the requirements of Appendix A, Table 3, subsection C.4.b.
- c. Parking shall be provided in the side or rear yard area only.
- d. All parking areas shall be illuminated, and all lighting shall be contained on the property.
- e. Parking areas shall be landscaped in conformance with the appropriate provisions of this by-law.

5. *Screening and Buffering.* A five foot wide landscaped buffer shall be provided along the side and rear property lines of an adult use establishment consisting of evergreen shrubs or trees not less than five feet in height at the time of planting, or a solid fence not less than six feet in height.

6. *Building Openings.* All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.

**6.5.3. Application.** The application for a special permit for an adult use establishment must include the following information:

- a. Name and address of the legal owner of the establishment;
- b. Name and address of all persons having lawful equity or security interests in the establishment;
- c. Name and address of the manager;
- d. Number of employees;
- e. Proposed provisions for security within and without the establishment;
- f. The physical layout of the interior of the establishment.

**6.5.4. Prohibition.** No adult use special permit shall be issued to any person convicted of violating the provisions of G.L. c. 119, s. 63 or G.L. c. 272, s. 28.

**6.5.5. Lapse.** Any adult use special permit issued under this by-law shall lapse within one year, and including such time required to pursue or await the determination of an appeal from the grant thereof, if substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

**6.6. CHILD CARE FACILITY**

**6.6.1. General.** A proposal for a child care facility to be located in a new building shall be subject to the site plan review provisions of Section 9.5.

**6.6.2. Standards.** A child care facility shall comply with the zoning requirements of the zoning district in which it is located, with the following additional requirements:

1. A child care facility proposed as new construction or in existing structures in the SRA, SRB and SRC Districts shall meet the following zoning requirements:
  - a. The minimum lot area for a facility shall be one acre.
  - b. The facility shall be located in the principal structure on the property.
  - c. The maximum building coverage of the facility shall not exceed three thousand square feet.
2. At least thirty-five percent (35%) of the minimum lot area shall be retained in open space. Open space shall mean areas without structures, parking lots or driveways.
3. A minimum of one off-street drop-off/pickup area per twenty-five children shall be provided on the premises.
4. Outdoor play areas and parking lot areas located along property lines common with residential property or property zoned as SRA, SRB or SRC shall be screened with not less than a six foot high sight obscuring fence or wall or with evergreen plants five feet in height at the time of planting.
5. A copy of the license from the Office for Children authorizing the child care facility and indicating the number of children the facility is licensed for shall be filed with the Planning Department prior to the issuance of a certificate of occupancy.

**6.7. UNREGISTERED VEHICLES AND VEHICLES NOT IN CONDITION FOR TRAVEL**

**6.7.1. General.** This section shall apply to all unregistered vehicles or vehicles not in condition for travel.

**6.7.2. Exceptions.** The following vehicles are exempted from Section 6.7:

1. Vehicles defined in Appendix A, Table 1, subsections F.9 and F.10.
2. Vehicles with current registrations and current inspection stickers; and
3. Vehicles stored in a garage or other enclosed structure.

**6.7.3. Standards.** Vehicles which are not currently registered and inspected shall not be stored within view of any public way or abutting residential property, unless one of the following exceptions applies:

1. One unregistered but operable vehicle may be stored in public view on a lot if it can be demonstrated that the vehicle was registered and passed inspection within the twelve month period from the date on which the owner of the vehicle is issued written notice that said vehicle may be in violation of this section.
2. The vehicle is covered with a standard vehicle cover of a type manufactured and sold for that purpose.

**6.7.4. Vehicle Not in Condition for Travel.** A vehicle not in condition for travel shall be a vehicle which is in such disrepair that it is inoperable and/or is undergoing major repairs. The vehicle shall be removed from public view or from the premises within forty-eight hours of receipt of written notice from the Inspector of Buildings.

## **6.8. ALTERNATIVE MODES OF TRANSPORTATION**

**6.8.1. Purpose.** This section has been adopted to ensure public safety by reducing the interaction of pedestrians, bicyclists, runners and recreational users with automotive traffic; to reduce reliance on autos for in-town travel; to reduce the impact of heavy traffic volumes on local roads; to encourage safe, healthful and self-reliant means of transportation; to encourage linkages between neighborhoods.

**6.8.2. Pedestrian and Bicycle Paths.** To achieve these objectives, it is the goal of the town to promote, whenever possible in the development process, provision for pedestrian and bicycle paths connecting residential housing, adjacent neighborhoods, school, recreational sites, open space, downtown services, places of work or any other connections which will provide safe, efficient, alternative ways of transportation and encourage a greater sense of community.

## **6.9. AGRICULTURE AND LIVESTOCK**

**6.9.1. General.** The following provisions shall apply to all agricultural operations listed under Table 1, subsections E.1, E.2, and F.6.b, whether principal or accessory:

1. Adequate provision shall be made for the garaging or screening of all tools, farm machinery or vehicles incidental to the proposed use.
2. Any new structure larger than six feet by six feet by seven feet, used for the above purpose or for providing housing, pens or enclosures for livestock, shall be located at least fifty feet from any property line.
3. In a residential district, site plan review per Section 9.5 shall be required for any new accessory structure in excess of two thousand square feet of ground floor area to ensure landscaping and screening thereof.
4. Adequate provision must be made for the sanitary disposal of animal wastes and for complying with all relevant Board of Health regulations.

**6.9.2. Livestock.** The following additional conditions shall apply to the keeping of horses or ponies:

1. Fencing adequate to restrain such animals shall be installed and shall be no closer than five feet to a property line.
2. A minimum lot size of two acres for the first animal and one acre for each additional animal is required. For lots larger than ten acres, this requirement may be reduced upon the issuance of a special permit by the Board of Appeals upon its finding that all other conditions of this by-law are met; that under the particular circumstances the proposed reduction will not be detrimental to the neighborhood; and that the Board of Health approves the keeping of the number of animals proposed.
3. In acting upon such special permits under Table 1, subsection F.6.b, the Board of Appeals shall consider the proximity of existing dwellings, provisions of sound, odor, dust and drainage control and potential problems caused by the movement and storage of horse trailers.

**SECTION 7.0. SPECIAL RESIDENTIAL REGULATIONS****7.1. CLUSTER DEVELOPMENT**

**7.1.1. General.** The Planning Board may grant a special permit for the construction and occupancy of a cluster development on a tract of land of ten acres or more, in any single residence district other than the Single Residence A District, subject to the following regulations and conditions of this Section 7.1.

**7.1.2. Dimensional Requirements.**

1. *Open Space and Lot Area.* The total area of open space (see Section 7.1.4 below) plus all lots in such proposed development shall not be less than the product of the total number of lots times the minimum lot size for the zoning district in which the development is located, and in no case shall an individual lot have less than two-thirds (2/3) of the required lot size for the zoning district in which the development is located.
2. *Minimum Lot Frontage.* The minimum frontage of any individual lot shall be one hundred feet measured at the street line.
3. *Reduced Lot Frontage or Lot Area.* Only lots fronting on a proposed "minor" street (a turn-out street, cul-de-sac or dead-end street) may have reduced lot area as per Section 7.1.2.1 above and/or a minimum lot frontage of one hundred feet measured at the street line.
4. *Conformance to Frontage and Area Requirements.* All lots on existing town or public ways or lots abutting proposed major streets of the development (as defined in the Subdivision Rules and Regulations) shall conform to the frontage and area requirements of the zoning district in which the development lies. The provisions of this Zoning By-Law amendment shall not apply to those lots approved prior to the adoption of this amendment pursuant to the provisions of G.L. c. 40A and 41 and the Rules and Regulations governing the subdivision of land in the Town of Andover.

5. *Reduction in Side Yard.* In consideration of a special permit for a cluster development under this section, the Planning Board may approve a reduction in the minimum side yard depth to twenty feet.

**7.1.3. Noncluster Layout.** The applicant shall demonstrate to the Board by a written statement accompanied by a sketch plan of a noncluster layout at a scale of one inch equals forty feet or one inch equals one hundred feet, the reason or reasons why the Board should give favorable attention to an application for a special permit to cluster.

**7.1.4. Open Space.** All land not designated for roads, lots for dwellings or other development within the development shall be held for common open space. Common open space shall be preserved for recreation or conservation and shall comprise not less than thirty percent (30%) of the land within the cluster development; provided, however, that proposed open space areas deemed by the Board to be inappropriate for the uses of recreation, protection of significant natural features or buffering due to size, shape or location of such space or area shall be excluded from the computation of required open space areas.

1. *Conveyance.* Such open land shall either be conveyed to the Town of Andover and accepted by it for park or open space use or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the plan, articles of corporation or trust to be legally drawn up and available for review by Planning Board prior to final approval of the plan. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. In any case where such land is not conveyed to the town, a restriction enforceable by the Town of Andover shall be recorded providing that such land shall be kept in an open or natural state and not be built upon or developed for accessory uses such as parking or roadway. All such open space shall be restricted by deed from all future building. Before final approval of the special permit by the Planning Board, the developer shall state which of the three (3) conveyance options above is being proposed, and such disposition, if approved, shall be recorded as a restriction on the development plan.

2. *Pedestrian Accessways.* The Board may require the provision or reservation of pedestrian/bicycle accessways of suitable width and in locations suitable for pedestrian/bicycle movement of different types connecting open space areas within the cluster subdivision or to other adjacent open spaces and neighborhoods.

**7.1.5. Special Permit.** The Planning Board shall approve a special permit for a cluster development only if it finds that the proposed disposition of lots and buildings under the particular circumstances involved will make more efficient the provision by the town of health, safety, protective and other services without causing substantial detriment to the character of the neighborhood. In its consideration of a plan being proposed as a cluster subdivision, the Board shall give particular attention to, and may use as a basis for its decision, the following criteria:

1. The arrangement of lots, streets and buildings as they may promote the harmonious integration of the proposed development with existing surrounding properties;

2. Originality in the overall layout and design to achieve the best possible relationship between the proposed development and the land;
3. Usability of open spaces for active or passive recreation, determined by size, shape, topography and location;
4. Inclusion within open spaces of irreplaceable natural features such as streams, mature trees or clusters of trees, rock outcrops, eskers, bluffs, slopes and historic or archaeological features;
5. Accessibility of open spaces to the disabled, elderly and children;
6. Suitability of open spaces for scenic values and improvement or preservation of views.

## 7.2. PLANNED DEVELOPMENT

**7.2.1. Applicability.** The Planning Board may grant a special permit for Planned Development-Multifamily Dwelling (PD-MD) or Planned Development-Mixed Use (PD-MU) for the following types of structures and uses:

1. *PD-MD.* (a) conversion or expansion of existing nonresidential structure(s) to multifamily dwellings; or (b) new multifamily dwelling construction;
2. *PD-MU.* (a) redevelopment, conversion or expansion of existing structure(s) to a combination of multifamily and business uses or a combination of nonresidential uses permitted in the zoning district; or (b) new construction for combined multifamily and business uses or new construction for a combination of nonresidential uses permitted in the zoning district.
  - a. Exemption from Special Permit Requirement. Any mixed use development comprised only of nonresidential uses shall not require a PD special permit under this section of the by-law if the lot area is less than two acres in size.

**7.2.2. Density.** The maximum allowable density shall be determined by calculating the required lot area per dwelling unit as follows:

1. *General Business District.* Two thousand square feet of lot area per dwelling area unit.
2. *Mixed Use District.* Three thousand square feet of lot area per dwelling unit. The Planning Board may, in its discretion, according to the characteristics of any particular lot, allow less than the 3,000 square feet of lot area per dwelling unit. [Amended 4-28-2010 ATM, Art. 56]

## 7.2.3. Dimensional Requirements.

1. *Building Height.* Any addition or new construction shall not exceed the maximum height allowed by Appendix A, Table 2 of this by-law.

*2. Building Coverage.*

- a. General Business District: In a General Business District, an existing structure occupying more than two-thirds (2/3) of the lot area shall not be expanded. New structures shall not exceed two-thirds (2/3) of the lot area within the General Business district.
- b. Mixed Use District: In a Mixed Use District, maximum building coverage shall not exceed forty percent (40%) for new construction or expansion.

*3. Building Setbacks.*

- a. General Business District: In a General Business District, building setbacks shall be determined in accordance with Section 4.1.4.2.b of this by-law.
- b. Mixed Use District: In a Mixed Use District, new construction or building expansion shall be set back twenty feet from all property lines.

4. *Minimum Lot Frontage.* In a Mixed Use District only, the lot shall have a minimum frontage of fifty feet on an existing public way.

*5. Setbacks From Residential Dwellings.*

- a. General Business District: No building in a General Business District shall be erected within fifteen feet of a residential building.
- b. Mixed Use District: In a Mixed Use District, no structure shall be constructed nearer than fifty feet from the outside wall of an existing residential dwelling.

**7.2.4. Affordability.** No application for a PD-MD or PD-MU which contains residential use shall be approved unless at least fifteen percent (15%) of the total dwelling units proposed are devoted to affordable housing, or such percentage as may be required by state or federal subsidy programs; provided, however, that such applications requesting three or fewer dwelling units are exempt from this requirement. "Affordable housing" shall be defined as any housing subsidized by the federal or state government under any program to assist the construction of affordable housing as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization. The calculation of affordable units shall be rounded to the next whole number for units equal to 0.5 or greater.

**7.2.5. Design Standards.**

1. *Access.* Parking lot driveways shall not provide access onto North Main Street or Main Street unless granted a special permit by the Planning Board in accordance with Section 5.1.10.

*2. Parking Requirements.*

- a. There shall be two parking spaces per dwelling unit. Visitor parking shall be determined by the Planning Board with reference to the number of dwelling units proposed.



- b. For mixed use developments, the parking required for each use shall be calculated and added to the total.
- c. Upon the issuance of a special permit by the Planning Board, the required number of parking spaces on a common lot may be reduced if it can be shown that the parking needs for the uses are such that a lower total will serve all uses adequately. The Planning Board shall use the criteria under Section 5.1.12.5 of this by-law in its review of the proposed parking alternative(s).
- d. Parking lots and driveways shall be designed as per Section 5.1 of this by-law. The Planning Board, in its discretion, may allow alternative dimensional designs for parking spaces and parking aisles if the Board finds that the design satisfies the objectives of Section 5.1.1 of this by-law.
- e. Parking areas, driveways and pedestrian walkways shall be designed to ensure safe separation of vehicles and pedestrians and sufficient on-site traffic circulation and control in relation to surrounding streets and pedestrian ways. Pedestrian walkways shall be designed to link parking areas to buildings and, where applicable, to provide access along waterways and to abutting open space.

3. *Landscaping, Screening and Lighting.* Where a parking lot exceeds fifty parking spaces, at least five percent (5%) of the parking lot interior shall be landscaped. "Landscaping" is defined as planted trees, shrubs and ground covers in a prepared planting area. Landscaping shall be used to: (a) buffer adjacent properties; (b) provide separation between buildings and parking areas; and c) provide shading within parking areas.

- a. Parking areas shall be screened by landscaping, fencing or berming to minimize headlight glare. Lighting shall be designed and screened to prevent light overspill onto abutting properties and ways.

4. *Disposal Areas.* Adequate provision shall be made for snow disposal areas and dumpsters where appropriate. Dumpsters shall be screened by fencing or landscaping.

5. *Access and Utilities.*

- a. The lot shall have frontage on an existing public way with sufficient capacity to safely accommodate the projected traffic volume;
- b. There shall be town water and sewer available with sufficient capacity to serve the project.
- c. Emergency vehicles shall have sufficient access to each structure.

7.2.6. *Open Area.* In a Mixed Use District, at least twenty percent (20%) of the lot shall be maintained as open area. Open area shall include landscaped yard setbacks, natural areas, recreation areas, pedestrian walkways, conservation areas, landscaping around buildings and interior landscaping for parking lots.

**7.2.7. Procedure.** Twelve copies of an application for a special permit for PD-MD or PD-MU shall be filed with the Planning Board. An interdepartmental review shall be conducted by staff of Planning, Conservation, Health, Public Works, Building, Police and Fire. Comments from the staff meeting shall be submitted in writing to the Planning Board. The application shall include the following information:

1. Analysis of the existing conditions on the site, including but not limited to wetlands, existing topography, soil conditions, areas within the one hundred year flood, trees over eight inches in diameter and any other significant natural features;
2. Site plan, which shall be prepared and stamped by a registered professional engineer, shall contain at least the following information: location, bulk and height of all existing and proposed buildings and accessory buildings and uses; existing and proposed topography; driveways and parking provisions; proposed landscaping plan, including continued use of existing vegetation, new plantings, screening; fencing, etc.; proposed lighting, signs, service areas, refuse and waste disposal areas;
3. Calculation of building footprint and impervious surface area for internal driveways and parking lot areas;
4. Calculation of parking requirements and analysis of proposed parking alternative(s) if a reduction in the number of parking spaces is being requested;
5. Description of extent to which the plan's design takes advantage of natural terrain;
6. Description and calculation of the open area(s) and its utility to the proposed development (size, shape, location and accessibility);
7. Projected size of each dwelling unit (square feet and number of bedrooms); description of the number and location of the affordable and market rate units;
8. Information on the subsidizing programs to be used and comments in writing from the subsidizing agency;
9. Plan for maintenance of open space, waste disposal drainage systems, roadways and snow removal;
10. Elevation of building exterior, description of building materials and type of construction and interior layout;
11. Description of the neighborhood in which the site is located, including utilities and other public facilities, and projected impacts of the proposed development on these;
12. Traffic analysis, which shall be conducted under the supervision of town staff. If consultant services are deemed by the town to be necessary, all costs shall be borne by the applicant;
13. A master sign plan showing the location, size and design of all signs proposed for the project site;

14. Those requirements not applicable to the proposed project shall be noted in the application.

**7.2.8. Special Permit.** The Planning Board may grant a special permit if it finds all of the following:

1. That the design standards and review criteria in this section have been met;
2. The provisions for parking and vehicular circulation on the site and access onto adjacent roadways will promote safe traffic control and flow;
3. The provision for landscaping and screening will provide an adequate buffer for adjoining properties and will minimize the impact of the proposed uses and parking areas, and the effect of the bulk and height of buildings and structures;
4. Any provision for pedestrian ways will provide safe and convenient access on-site with linkage to adjacent pedestrian areas;
5. The project will provide for adequate drainage, water and sewer facilities with sufficient capacity to serve the planned development;
6. The intersections and roadways likely to be affected by the proposal are of sufficient capacity and design to accommodate the planned development.

**7.2.9. Conditions.** In granting a special permit, the Planning Board may impose reasonable conditions and safeguards which may include, but shall not be limited to, the following:

1. Requirements for reasonable off-site improvements to offset the impacts on the capacity and safety of adjacent roadways and intersections, and the capacity of the water, sewer and drainage systems affected by the proposed development;
2. Conditions to minimize impacts on environmental quality;
3. Requirements on the site design of the planned development to ensure compatibility with existing structures and neighboring properties;
4. Controls on the location and type of vehicular and pedestrian access.

### **7.3. NEW MULTI-FAMILY DWELLING CONSTRUCTION - ATTACHED CLUSTER**

**7.3.1. Purpose.** The purposes of this Section are:

1. to promote and encourage alternative forms of housing which are accessible to existing town services;
2. to protect the natural environment and to conserve open space;
3. to promote energy conservation;

4. to allow development within the existing capacities of town services; and
5. to provide housing which will not be detrimental to the established or future character of the neighborhood and town.

**7.3.2. Applicability.** The Planning Board may grant a special permit for Attached Cluster to allow the construction of multiple dwellings subject to the criteria of Section 9.4.2 and to the following conditions set forth herein.

**7.3.3. Density.** The maximum base number of dwelling units shall be determined by dividing the buildable area by the minimum lot size allowed in the zoning district. For each base dwelling unit of one thousand square feet or less, the applicant is entitled to a credit of fifty percent (50%) of an additional dwelling unit of smaller size. Buildable area is calculated by subtracting from the total area of the lot a number which is ninety percent (90%) of the area shown as wetlands on the Town of Andover wetland maps.

**7.3.4. Dimensional Requirements.**

1. *Lot Size.* Each lot shall be not less than ten acres nor more than twenty-five acres.
2. *Building Height.* No building shall exceed thirty-five feet.
3. *Building Setbacks.*
  - a. Each building shall be set back at least seventy-five feet from all property boundaries;
  - b. Each building shall be set back at least fifteen feet from any road or parking area and set back at least fifty feet from other buildings.
4. *Frontage.* The lot shall have a minimum of fifty feet of frontage on an existing public way which has sufficient capacity to accommodate the projected traffic flows from the project.

**7.3.5. Open Space.** All land not designated for roads, buildings, privately owned yards and which is unsuitable for development shall be designated open space. Areas which are unsuitable for development shall include, but not be limited to, floodplains; wetlands as shown on the Town of Andover wetland maps; slopes of greater than fifteen percent (15%); and areas with ledge closer than four feet to the surface of the ground.

1. Open space shall comprise a minimum of sixty percent (60%) of the total area of the lot, and at least fifty percent (50%) of the open space shall be accessible and usable for recreation purposes.
2. Prior to the sale of any dwelling unit, the applicant shall submit a conservation restriction on the open space to the Planning Board for its review, modification and approval, and shall record the approved conservation restriction in the Registry of Deeds. In the event of the sale of any dwelling unit prior to the recording of an approved conservation restriction, the town shall have a lien on said real property for the value of the conservation restriction.

3. Prior to the sale of any dwelling unit, the applicant shall convey all open space land to either the town, a nonprofit corporation or a homeowners' association. If the applicant intends to convey to a nonprofit corporation or a homeowners' association, the applicant must obtain the prior approval of the Planning Board.

**7.3.6. Design Standards.** The following design standards shall apply:

1. There shall be not less than three nor more than six dwelling units in each building;
2. Each dwelling unit shall have a separate exterior entrance to the unit at ground floor level;
3. Buildings shall be designed and placed and landscaping used to maximize visual and audible privacy between buildings;
4. The number of dwelling units which have more than four rooms excluding bathrooms may not exceed sixty percent (60%) of the total number of dwelling units in the development;
5. The design and layout of the buildings and accessory uses may not be altered without prior approval of the Planning Board;
6. At least two parking spaces per dwelling unit shall be provided on the lot either in an off-street paved area or in a garage or carport; no parking area may have more than twelve spaces;
7. Adequate provision shall be made for aisles, driveways, visitor parking and snow disposal;
8. Appropriate landscaping shall be used to prevent or minimize lighting overspill;
9. All utilities shall be buried;
10. All access roads shall have a minimum width of thirty feet and shall be built to a standard approved by the Planning Board, dependent upon the advice of the Director of Public Works;
11. No entrance or exit from the development to an existing public or private way may be allowed unless there are sight distances of at least two hundred fifty feet in both directions on the public or private way, and unless no other public way or private way intersects the existing roadway within one hundred fifty feet of the proposed entrance or exitway;
12. There shall be town water and sewer available in said public way, and said water and sewer lines shall have sufficient capacity to accommodate the project.

**7.3.7. Application.** Twelve complete copies of the application for a special permit for attached cluster shall be filed with the Planning Board. The application shall include the following information:

1. Analysis of the existing conditions on the site, including but not limited to wetlands, existing topography, soil conditions, areas within the one hundred year flood, trees over eight inches in diameter and any other significant natural features;

2. Calculation of buildable area, as per Section 7.3.3;
3. Site plan, which shall be prepared and stamped by a registered engineer and a registered landscape architect, shall contain at least the following information: location, bulk and height of all proposed buildings and accessory buildings and uses; existing and proposed topography; driveways and parking provisions; proposed landscaping plan, including continued use of existing vegetation, new plantings, screening, fencing, etc.; proposed lighting, signs, service areas, refuse and waste disposal areas;
4. Calculation of a footprint: buildings, roadways, accessory uses;
5. Description of extent to which the plan's design takes advantage of natural terrain;
6. Description of open space and its utility to the town and the proposed development (size, shape, location, natural resource value and accessibility by residents of the town or of the cluster);
7. Projected size of each unit (square feet and number of bedrooms);
8. Plan for maintenance of open space, waste disposal, drainage systems, roadways, snow removal;
9. Elevation of typical building exterior, description of building materials and type of construction, typical interior layout;
10. Description of the neighborhood in which the site is located, including utilities and other public facilities, and projected impacts of the proposed development on these;
11. Traffic analysis, including projected volume and ability of the existing street network to absorb the proposed development's traffic.

**7.3.8. Board Review.** Before acting upon the application, the Planning Board shall submit it to the following boards and agencies which may review it jointly or separately: the Board of Health, the Conservation Commission, the Department of Public Works, the Design Advisory Group and other boards or agencies the Planning Board may deem appropriate. Any such agency to which applications are referred for review shall submit such recommendations as it deems appropriate to the Planning Board. Failure to make recommendations within twenty days of receipt shall be deemed lack of comment or opposition.

**7.3.9. Additional Information.** After the opportunity for review by other boards and agencies, the Planning Board may require the applicant to supply more specific information about the proposed development, as per questions and comments of the reviewing boards and agencies. Such additional information shall be submitted within ten days of the expiration of the previous twenty days as set forth in Section 7.3.8. above.

**7.3.10. Special Permit Procedure.** The procedure for a special permit under this section shall be governed by Section 9.4. If the Planning Board disagrees with the recommendations of the Conserva-

tion Commission or the Board of Health, the reasons shall be stated in the special permit decision filed with the Town Clerk.

**7.3.11. Special Permit.** The Board may grant a special permit for Attached Cluster only if its finds that the applicant has demonstrated the following:

1. that the Attached Cluster plan will be in harmony with the purposes of Section 7.3.1 and the long-range plan of the town;
2. that it will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety, and is superior to a conventional subdivision plan in preserving open space, minimizing environmental disruption, allowing more efficient provision of services or allowing for greater variety in prices and types of housing stock.

#### **7.4. ELDERLY HOUSING**

**7.4.1. Purpose.** The objectives of this section are to achieve the following public purposes:

1. To provide for the development and use of alternative housing and nursing care for the elderly in accordance with the Town's Master Plan.
2. To create home health care, housing and other supportive services for the elderly population outside of an institutional setting.
3. To encourage the preservation of open space.
4. To provide alternative housing for the elderly that cause relatively little demand on town services.
5. To preserve the town's residential character.
6. To provide such accommodations in a manner harmonious with the surrounding land uses while protecting natural resources and open space.
7. To provide housing which is affordable to the elderly population who are Andover Residents.

**7.4.2. Applicability.** The Planning Board may grant a special permit for elderly housing as described in Section 7.4.

1. This section shall not apply to assisted living residences existing on the date of adoption of this section.

**7.4.3. Assisted Living Residences - Dimensional Requirements and Design Standards.** Dimensional requirements and design standards shall be as follows:

1. *Minimum Lot Size.* An assisted living facility shall be permitted in a SRA and SRB District only within a single lot containing a total area of not less than 5 acres. In the MU District,

the minimum lot size shall be 2 acres. There shall be no minimum lot size required for the GB District.

2. *Density.* The maximum allowable density shall be three thousand square feet of lot area per assisted living unit.

3. *Building Height.* Any addition or new construction shall not exceed thirty-five feet in height as measured in accordance with the State Building Code or three stories. This does not preclude the reuse and renovation of existing structures which may exceed this height limit.

4. *Building Coverage.* The maximum building coverage, including accessory buildings, shall not exceed thirty percent (30%) of the lot area for new construction or expansion of existing structures.

5. *Building Setbacks.* In the SRA and SRB Districts, buildings shall be set back a minimum of fifty feet from all property lines. In the MU District, the building setback will be twenty feet. Buildings in the GB District shall be setback as required in Section 4.1.4.2.b of this by-law.

6. *Setback from Residential Dwellings.* In the SRA and SRB Districts, all buildings associated with the assisted living facility shall be no closer than two hundred feet from existing residential dwellings; however, with respect to accessory structures not greater than three hundred square feet in said districts, the SPGA, in its discretion, may reduce said setback by an amount up to but not greater than one hundred feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling. In the MU and GB districts, the setback shall be fifty feet.

7. *Minimum Lot Frontage.* The minimum lot frontage shall conform to the requirements of the district where such use is located.

8. *Town Services.* Assisted living residences shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

9. *Transportation Services.* The operator of the assisted living residence shall be required to provide or arrange for transportation to town services and facilities.

10. *Common Open Space.* In the SRA and SRB Districts, there shall be an area of common open space equal to at least thirty percent (30%) of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than twenty-five percent (25%) of the minimum required open space shall be situated within wetlands. A permanent conservation restriction running to or enforceable by the town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation and/or passive recreation.

11. *Parking.* The minimum number of parking spaces provided on the lot shall be 0.4 parking space per assisted living unit plus one parking space per three employees during the largest shift. Up to twenty-five percent (25%) of the minimum number of required spaces may



be allocated for compact cars in accordance with the design standards of Appendix A, Table 3 this by-law. The Planning Board, in its discretion, may require additional parking spaces to serve the needs of employees, visitors and service vehicles, such spaces to be provided in a "reserve parking area" which would not be built unless determined necessary by the Inspector of Buildings.

12. *Access and On-site Circulation.* Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.

13. *Public Safety.* The facility shall also have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Andover Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.

14. *Landscaping.* Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. In the SRA and SRB Districts, the minimum setback from all property lines of such parking lots, dumpster locations and loading areas except for their points of ingress and egress, shall be fifteen feet.

**7.4.4. Assisted Living Residences - Affordability.** Except as provided in Sections 7.4.4.6 and 7.4.4.10, fifteen percent (15%) of the total number of assisted living units shall be set aside as affordable housing units for elderly persons who qualify as low, moderate, or upper-moderate income persons as defined as follows:

**Low income** - below 60% of the Lawrence Standard Metropolitan Statistical Area (SMSA) median income based on Housing and Urban Development (HUD) figures ("median income").

**Moderate income** - 60-79% of median income.

**Upper-moderate income** - 80-100% of median income.

1. In determining the total number of affordable units required, a fractional unit of 0.5 or more shall be regarded as a whole unit. To the extent legally permissible, the affordable units shall be offered to eligible Andover residents before being offered to non-Andover eligible elderly persons.

2. Such affordable units may be rented, sold or otherwise provided to qualified elderly persons in accordance with income and asset limitations established by the authorizing state or federal agency in those instances where the affordable units benefit directly from such assistance, or in the absence thereof pursuant to the definitions of income and assets established for the Low-Income Housing Tax Credit program, or pursuant to the standards promulgated by the SPGA.

3. Affordable units shall be dispersed throughout the building(s) and shall be compatible with and generally comparable to the market-rate units in terms of location, quality and character.

4. Of the affordable units, the applicant shall set aside units representing all three income levels as follows: twenty percent (20%) shall serve low income persons, fifty percent (50%) shall serve moderate income persons and thirty percent (30%) shall serve upper-moderate income persons.

5. Although eligibility for the affordable units shall be determined by reference to income and assets of the prospective residents, the affordable units shall be considered affordable only if they are restricted in the amount of monthly rent or other monthly charges for the unit based upon a percentage of the applicable median income. For purposes of computing the monthly rent or other monthly charges for the unit, there shall be excluded any special charges for extra or specialized services which are not provided to the general population of the project but are unique to the particular needs of an individual resident. The standards of affordability for proposed projects, including, without limitation, the methods of determining and maintaining eligibility, the percentage of applicable median income used for limiting the monthly amounts charged for the affordable units and any variations in the percentages of median income in the three income levels shall be set and revised from time to time by the SPGA provided said standards are consistent with appropriate federal and state standards.

6. At the discretion of the SPGA, the applicant may be permitted to set aside a lower percentage of affordable units, but in no case less than ten percent (10%) of the units, if, in the opinion of the SPGA, the applicant has demonstrated that public subsidies (including, without limitation, public or low interest financing, tax benefits and town-provided subsidies such as provision of services, real estate tax abatements or reduced assessments or reductions of water and sewer charges with respect to the affordable units) are unavailable or inappropriate and/or the provision of the required percentage of affordable units will threaten the viability of the project without some form of relief. In such cases, or in order to encourage an applicant to exceed the required percentage of affordable units, the SPGA may:

- a. Provide a density bonus whereby the total number of allowable units computed hereunder ("Maximum allowable units") may be increased by an amount of additional units determined by the SPGA, not to exceed twenty-five percent (25%) of the maximum allowable units, and any such additional units granted by the SPGA as a density bonus shall be market units and shall not cause a corresponding increase in the number of required affordable units;
- b. Permit higher percentages of units to be offered to moderate or upper-moderate-income persons; and/or
- c. Permit the applicant to make a cash or other contribution to the town or its designee for use by the town in (1) providing or subsidizing affordable housing for low, moderate, and upper-moderate-income elderly persons as defined by this section of the by-law or (2) providing other elderly facilities or elderly services.

7. Affordability restrictions shall be embodied in applicable deed covenants, contractual agreements and/or other mechanisms to ensure compliance with this section.

8. All affordable units shall be maintained as affordable housing units for the life of the assisted living facility.

9. Prior to the issuance of any building permit for any units, a clearance certificate shall be required to be issued by the Planning Department indicating compliance with this subsection. No clearance certificate shall be issued for any units until (a) all documents necessary to ensure compliance with this subsection including, without limitation, the documents referred to in Section 7.4.4.7 have been executed and, if required, recorded at the Registry of Deeds and (b) any required cash or other contribution has been made to the town or its designee.

10. Nothing in this subsection shall preclude a developer from setting aside more than the required number of affordable units or from setting aside additional units for higher but limited income groups or from setting aside more units for lower-income groups.

**7.4.5. Assisted Living Residences - Accessory Uses.** The operator of the assisted living facility may also provide optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the assisted living residence and the accessory uses shall be wholly within a residential structure and shall have no exterior advertising display.

**7.4.6. Long-term Care Facilities - Dimensional Requirements and Design Standards.**

1. *Building Coverage.* The maximum building coverage, including accessory buildings, shall not exceed thirty percent(30%) of the lot area for new construction or expansion of existing structures.

2. *Building Setbacks.* Buildings shall be set back a minimum of fifty feet from all property lines.

3. *Setback from Residential Dwellings.* All buildings associated with the long-term care facility shall be no closer than two hundred feet from existing residential dwellings.

4. *Minimum Lot Frontage.* The minimum lot frontage shall conform to the requirements of the district where such use is located.

5. *Town Services.* Long-term care facilities shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

**7.4.7. Congregate Living Facilities - Dimensional Requirements and Design Standards.** The provisions for assisted living residences, Sections 7.4.3 to 7.4.5 inclusive, shall apply.

**7.4.8. Independent Living Residence - Dimensional Requirements and Design Standards.**

1. The provisions of Section 7.6.2 for conversion of a one- or two- or more family dwelling, shall apply.

2. *Parking Requirements.* The provisions of Appendix A, Table 3, Section A.5.d shall apply.

**7.4.9. Special Permit Procedure.** The procedure for a special permit under this section shall be governed by Section 9.4.

## **7.5. CONVERSION TO MULTIFAMILY USE**

**7.5.1. General.** The conversion of an existing structure of fifty thousand square feet gross floor area or more to multifamily dwelling use shall be permitted upon the grant of a special permit by the Board of Appeals, subject to the following conditions:

1. There shall be at least thirty-five hundred square feet of lot area per dwelling unit.
2. Off-street parking shall be provided as per Appendix A, Table 3, subsection A.4.d.
3. The dimensional requirements of Section 4.0 shall be waived for the existing structure and any addition or extension required by law for handicapped access and/or life safety purposes. No other exterior additions or extensions shall be allowed.
4. All elements of the site design, including but not limited to vehicular and pedestrian circulation, landscaping and exterior lighting, shall be laid out to reinforce the harmony of the premises with the surrounding neighborhood.
5. The criteria of Section 9.4.2 shall govern the decision of the Board of Appeals.

## **7.6. MULTIPLE DWELLINGS**

**7.6.1. General.** The Board of Appeals may grant a special permit for the construction, conversion and occupancy of multiple dwellings subject to the following regulations and conditions of this Section.

**7.6.2. Conversions.** For the conversion of a structure with one dwelling unit or a structure with two or more dwelling units, the following eligibility criteria apply:

1. The building must have existed prior to March 10, 1941.
2. There shall be twenty-five hundred square feet of lot area for each family.
3. Parking shall be provided as required by Appendix A, Table 3.
4. The building may not be increased in area, footprint, height or otherwise enlarged beyond the existing framework, except as may be necessary for secondary egress in the form of an outside stairway. [Added 4-30-2002 ATM, Art. 52]

**7.6.3. Construction.** The construction of apartment buildings shall be governed by these conditions:

1. No more than twelve dwelling units shall be contained in any building in an Apartment District.
2. There shall be a minimum of thirty-five hundred square feet of lot area per dwelling unit.
3. There shall be a paved driveway or paved walk adequate to accommodate emergency vehicles, within fifty feet of the outside entrance to each dwelling unit.

4. No dwellings shall be nearer to each other at any point than the sum of the heights of their opposing exterior walls unless both such walls are unpierced, and walls shall be considered opposing if the angle between them is less than 30 degrees.

5. No structure shall be built within thirty feet of any way, and no structure or parking space shall be built or maintained within twenty feet of any other exterior property line.

6. Off-street parking shall be provided as per Appendix A, Table 3, subsection A.4.b.

**7.6.4. Special Permit.** The criteria of Section 9.4.2 shall govern the decision of the Board of Appeals.

**7.7. (RESERVED)**

**7.8. DIMENSIONAL SPECIAL PERMIT - AFFORDABLE HOUSING [Added 4-28-2003 ATM, Art. 32]**

**7.8.1. Purpose and Intent.** The purpose of this by-law is to encourage the development of affordable housing in the Town of Andover by increasing the supply of housing in the town that is available to low- and moderate-income households. The by-law gives the Board of Appeals authority to issue a special permit modifying dimensional standards for the use of existing nonconforming lots for purposes of affordable housing as defined herein.

**7.8.2. Affordable Housing Defined.** For purposes of a dimensional special permit for affordable housing, "affordable housing" is defined as any housing subsidized by the federal or state or local government under any program to assist the construction of affordable housing as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization. Any local program shall be subject to applicable state regulations or guidelines.

**7.8.3. Standards and Regulations.** The following specific standards shall be applied to a dimensional special permit for affordable housing:

1. At least 90% of the area of the lot shall be comprised of contiguous uplands.
2. The lot shall be served by municipal sanitary sewer and water. In the event municipal sewer is not available, the lot shall be capable of supporting an on-site sewage disposal system.
3. There may not be more than one single-family dwelling on the lot.
4. No dwelling unit may contain more than 2,000 square feet of living area, exclusive of garage space.
5. The Board of Appeals may establish setback requirements that are compatible with adjoining properties.

**7.8.4. Findings Required.** In addition to the findings required under Section 9.4.2. of the Zoning By-law, the permit granting authority shall consider the following specific items:

1. That the modification of dimensional requirements is necessary to accomplish the purpose and intent of this by-law.
2. That the proposed dwelling is compatible with the existing neighborhood with regard to size and architecture.
3. That in the absence of a special permit, the use of an existing nonconforming lot would not be available for affordable housing.

**7.8.5. Conditions To Be Imposed.** If the Board of Appeals grants the special permit, it shall impose as conditions of approval, the following:

1. In the event of a catastrophic event which results in damage to the affordable dwelling such that it cannot be repaired, the owner may rebuild on the lot, provided that the new dwelling does not contain more than the same interior floor area as the original dwelling, and meets one of the following requirements:
  - a. The new dwelling is placed in the same footprint as the original structure; or
  - b. The new dwelling is built in conformity with the zoning side, front and rear setbacks in effect at the time of the rebuilding.
2. The owner shall record at the North Essex Registry of Deeds an affordable housing restriction in the form approved by the Board of Appeals, and approved and endorsed by the Director of Housing and Community Development in accordance with Chapter 184, Sections 31 and 32 of the General Laws, which restriction shall include, but not be limited to the following conditions:
  - a. The residential unit shall serve households with household income at or below 80% of the area median income.
  - b. The residential unit shall have a deed restriction and resale formula that keeps the unit permanently affordable.
  - c. The sale of the unit shall be subject to an affirmative and fair marketing plan.
  - d. Any mortgagee shall subordinate its mortgage to this restriction.
3. When the decision of the Board of Appeals on the application for a dimensional special permit for affordable housing has become final, the notice of decision and the approved and endorsed affordable housing restriction with any required mortgagee subordination shall be recorded concurrently at the Essex North District Registry of Deeds.

**7.8.6. Application Requirements and Procedure.** Sixteen copies of an application for a dimensional special permit for affordable housing shall be filed with the Board of Appeals. Copies of the application will be distributed to the interdepartmental review team and a review shall be conducted involving but not limited to staff representatives of Planning, Building, Health, Public Works, Conservation, School, Police, and Fire. Comments from the interdepartmental review shall be submitted to the Zoning Board of Appeals. The application shall include the following information:

1. A plan prepared by a registered land surveyor and/or professional engineer showing the lot proposed to be used for the development of affordable housing. The plan shall be at a scale of one inch equals 20 feet, on a sheet size not smaller than 11 inches by 24 inches, and not larger than 18 inches by 24 inches, and shall show the following information:
  - a. All existing property lines with bearings and distances;
  - b. The location and size of all existing structures or buildings on and adjacent to the lot, and the distances between all existing and proposed structures or buildings;
  - c. The public way on which the lot has its frontage;
  - d. Proposed front, side and rear building setback lines;
  - e. Existing and proposed topography (grading);
  - f. Significant trees or other natural features;
  - g. The location and type of utilities serving the lot;
  - h. All wetland areas as shown on the Town's Wetland Maps, or as determined by the Conservation Commission;
  - i. The name of the owner and all parties having any interest in the lot, including book and page numbers of the documents at the Registry of Deeds which describe such an interest;
  - j. A copy of the deed of ownership shall be included with the application;
  - k. All easements on the lot shall be shown as to location, dimensions and type;
1. Preliminary architectural details of the proposed affordable dwelling to be constructed on the lot, including square footage, number of bedrooms, height, and proposed exterior details;
2. A letter from the Andover Housing Partnership Committee indicating that the applicant has presented the proposal to the Committee at a regular public meeting. The letter may contain any recommended conditions for the special permit.
3. The provisions of Sections 9.4.1. through 9.4.7. of the Zoning By-law shall apply to the application, hearing, decision, conditions and lapse of a dimensional special permit for affordable housing.

4. A dimensional special permit issued under this by-law shall contain an account of all required findings and considerations made by the permit granting authority in its decision to allow such exception to the by-laws.

**7.9. DIMENSIONAL SPECIAL PERMIT - HISTORIC PRESERVATION [Added 4-28-2003 ATM, Art. 29]**

**7.9.1. Purpose and Intent.** The purpose of this by-law is to encourage the preservation of buildings, structures, sites and settings of historic significance, by allowing such buildings or features to remain in place, or be moved to another location rather than be demolished or otherwise compromised. The by-law gives the Board of Appeals authority to issue a special permit modifying certain dimensional standards for the creation of new lots, or for the use of existing lots for purposes of preservation of historic structures or buildings as defined herein.

**7.9.2. Historic Structures Defined.** For purposes of a dimensional special permit for historic preservation the historic building or structure must be located in the Town of Andover and must be listed on one of the following:

1. The National Register of Historic Places;
2. The State (Commonwealth of Massachusetts) Register of Historic Places; and
3. The Andover Historic Building Survey.

**7.9.3. Parent Parcel Defined.** A parent parcel is the parcel of land that is to be divided.

**7.9.4 Standards and Regulations.** The following specific standards shall be applied to a dimensional special permit for historic preservation:

1. The lot must be located in the SRA, SRC or SRB Zoning District.
2. Any new lot created under this by-law in any single-family residential zoning district shall contain not less than 1/2 the minimum lot area for the zoning district in which it is proposed, and such minimum lot area shall be contiguous upland, free of wetlands.
3. Lot frontage and building setbacks on new lots created under this by-law shall be as follows:
  - a. In the SRA District: frontage: 50 feet; front: 25 feet; side: 10 feet; rear: 30 feet;
  - b. In the SRB District: frontage: 75 feet; front: 35 feet; side: 15 feet; rear: 30 feet;
  - c. In the SRC District: frontage: 100 feet; front: 35 feet; side: 20 feet; rear: 30 feet.
4. Any new lot created under this by-law shall have its required frontage on a public way as measured at the street line.
5. Any new lot created under this by-law in the Single Residence A or Single Residence B Zoning District shall be served by municipal sanitary sewer and water.



6. Any new lot created under this by-law in the Single Residence C Zoning District shall be served by municipal water, and if sanitary sewer is not available, the lot shall be in fact capable of supporting an on-site sewage disposal system, or in the event that said lot is not serviced by municipal sanitary sewer and water at the time of the Zoning Board hearing, but the Zoning Board finds that sewer will be available, the Zoning Board shall make as a condition of its approval that no occupancy permit shall issue until the lot is serviced by municipal sanitary sewer and water.

7. Other than when there is an existing historic structure on the parent parcel which is the subject of a related special permit application, no new lot may be created that would render the parent parcel of land nonconforming with regard to dimensional requirements, including but not limited to area and frontage.

8. A vacant existing nonconforming lot need not meet the standards set forth in Subsections 1 through 3 above; however, the provisions of Subsections 4 and 5 will apply.

9. The special permit granting authority shall determine whether or not an historic structure or building can be placed on a lot without detrimental effect on abutting properties or the street on which the lot has its frontage.

**7.9.5. Findings Required.** Priority in granting a dimensional special permit for historic preservation shall, in all cases, be placed upon keeping buildings and structures in place, rather than moving them to other locations, provided that the existing site can be shown to represent valid historical setting and context. Moving of structures or buildings to other locations shall be considered only if no other preservation measures are practical or reasonable on the existing site, or if the proposed removal is to return a building or structure to an original or more historically accurate location. In addition to the findings required under Section 9.4.2. of the Zoning By-law and the foregoing standards and regulations, the permit granting authority shall consider the following specific items:

1. That the modification of dimensional requirements is necessary to protect, preserve or maintain an historic structure or building;
2. That the proposed work, including any relocation or reconstruction, preserves, to the maximum extent feasible, the historical and architectural features of the structure or building;
3. That in the absence of a special permit, destruction of an historic structure or building will result.

**7.9.6. Conditions To Be Imposed.** If the Zoning Board of Appeals grants the special permit, it shall impose, as minimum conditions, the following:

1. In the event of a catastrophic event which results in damage to the historic structure such that the historic structure cannot be repaired, the owner may rebuild on the lot, provided that the new dwelling does not contain more than the same interior floor area as the historic structure and meets one of the following requirements:
  - a. The new dwelling is placed in the existing footprint; or

b. The new dwelling is built in conformity with the zoning side, front and rear setbacks in effect at the time of rebuilding

2. Prior to the move, the Board of Selectman of the Town of Andover shall approve the route and the timing of the move of the building or structure.

3. In the event that the owner of the lot wishes to make changes to the historic structure after it is relocated, it must submit any changes to the Preservation Commission for its review and approval. If the Preservation Commission determines that the change is not a minor change, the owner must seek a modification of the special permit from the Zoning Board.

4. Upon the appeal period expiring, the applicant shall submit the approved plan to the Planning Board for an approval not required endorsement pursuant to Chapter 41, Section 81P of the General Laws. Such an endorsement shall be a condition of the special permit approval.

5. The owner shall record at the Essex North District Registry of Deeds an historic preservation restriction in the form approved by the Zoning Board of Appeals, and approved and endorsed by the Massachusetts Historical Commission in accordance with Chapter 184, Section 32, of the General Laws, which shall at a minimum provide for conditions under which alterations, additions or modifications may be made, and in the event of damage to the historic structure such that the historic structure cannot be repaired, the owner may rebuild on the lot, provided that the new dwelling does not contain more than the same interior floor area as the historic structure and meets one of the following requirements: (i) the new dwelling is placed in the existing footprint; or (ii) the new dwelling is built in conformity with the zoning side, front and rear setbacks in effect at the time of rebuilding. Any mortgagee shall subordinate its mortgage to this restriction.

6. When the decision of the Board of Appeals on the application for a dimensional special permit for historic preservation has become final, the applicant shall submit the plan upon which the decision is based to the Planning Board for certification as an approval not required plan pursuant to Chapter 81, Section 41P, of the General Laws. The notice of decision of the Board of Appeals, the approved and endorsed historic preservation restriction with any required mortgagee subordination, and the approval not required plan certified by the Planning Board shall be recorded concurrently at the Essex North District Registry of Deeds.

**7.9.7. Application Requirements and Procedure.** Sixteen copies of an application for a dimensional special permit for historic preservation shall be filed with the Board of Appeals. Copies of the application will be distributed to the interdepartmental review team, and a review shall be conducted involving but not limited to staff representatives of Planning, Preservation Commission, any applicable Historic District Commission, Building, Health, Conservation, School, Public Works, Police and Fire. Comments from the interdepartmental review shall be submitted to the Zoning Board of Appeals. The application shall include the following information:

1. A plan prepared by a registered land surveyor and/or professional engineer showing the lot proposed to be created or used for the preservation of an historic structure or building. The plan shall be suitable for purposes of submission as an approval not required plan. The plan shall be at a scale of one inch equals 20 feet, on a sheet size not smaller than 11 inches by 24 inches, and not larger than 18 inches by 24 inches, and shall show the following information:

- a. All existing and proposed property lines with bearings and distances;
  - b. If the application is for the creation of a new lot, then the parent parcel from which the lot is being taken shall also be shown at the same scale;
  - c. The location and size of all existing structures or buildings on and adjacent to the proposed lot, and the distances between all existing and proposed structures or buildings;
  - d. The public way on which the existing or proposed lot will have its frontage;
  - e. Proposed front, side and rear building setback lines;
  - f. Existing and proposed topography (grading);
  - g. Significant trees or other natural features;
  - h. The location and type of utilities serving the lot;
  - i. Wetlands delineation;
  - j. The name of the owner and all parties having any interest in the lot, including book and page numbers of the documents at the Registry of Deeds which describe such an interest;
  - k. A copy of the deed of ownership shall be included with the application; and
  - l. All easements on the lot.
2. If the historic structure is going to be relocated, a map showing the route over which the historic structure or building will be moved;
  3. If the historic structure is going to be relocated, a letter from the Police Chief, Fire Chief, Tree Warden of the Town and the Director of Public Works approving the route. It is the responsibility of the applicant to contact and obtain approvals (if needed) from utility companies having overhead cables, lines or wires along the route, and from the Massachusetts Highway Department if a state roadway is involved and from the Director of Public Works, Police Chief and Fire Chief of any city or town included on the route. The applicant is responsible for any costs associated with police supervision along the route;
  4. An approval letter from the Preservation Commission, certifying that the structure is an historic structure, as defined in this by-law and any recommended conditions for the special permit;
  5. A statement of any changes to be made to the historic structure;
  6. The provisions of Sections 9.4.1. through 9.4.7. of the Zoning By-law shall apply to the application, hearing, decision, conditions and lapse of a dimensional special permit for historic preservation;
  7. A dimensional special permit issued under this by-law shall contain an account of all re-

quired findings and considerations made by the permit granting authority in its decision to allow such exception to the by-laws.

## **SECTION 8.0. SPECIAL DISTRICT REGULATIONS**

### **8.1. WATERSHED PROTECTION OVERLAY DISTRICT [Amended 4-24-2006 ATM, Art. 50; 5-26-2009 ATM, Art. 35]**

**8.1.1. Purpose.** The Watershed Protection Overlay District (WPOD) is established in the Town of Andover for the following purposes:

1. To preserve and protect surface and ground water resources in the Fish Brook/Haggetts Pond Watershed Protection Overlay District (WPOD) for the health, safety and welfare of its people;
2. To protect the community from the detrimental use and development of land and waters within the WPOD.
3. The WPOD does not limit the existing authority of the Conservation Commission pursuant to G.L. c. 131, s. 40.
4. This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

**8.1.2. Establishment.** The WPOD includes all the lands which create the catchment or drainage areas of Fish Brook or Haggetts Pond as part of their natural or man-made drainage system. The district includes all areas designated on the plan titled "Fish Brook/Haggetts Pond Watershed Protection Overlay District", dated December 1985, prepared by the Town Engineer, as amended, and also as amended by the plan titled "Topographic Plan Requested Revision to Watershed Protection Overlay District River Road, Andover, MA, dated January 19, 2006" prepared by Dana F. Perkins, Inc., for Richard and Kay Pelletier, 176 River Road, Andover, MA 01810, which plans are on file in the office of the Town Clerk and which are hereby made part of the Town Zoning Maps.

Within the WPOD, Priority Zones 1 and 2 shall be designated to identify areas where permitted uses and design standards shall apply based upon, in part, the linear distances from surface waters and tributaries. Priority Zone 1 shall include land areas up to 400 feet from the annual high water levels of Haggetts Pond, its tributaries, and Fish Brook, respectively. Priority Zone 2 shall include land areas exceeding 400 feet and extending out to 1/2 mile from the edge of Priority Zone 1 (Priority Zones 1 and 2 shall apply to Fish Brook and any other Class A water source that is tributary to surface water supplies within the WPOD to a distance of 200 feet from the source).

1. **Burden of Proof.** When a property owner seeks town approval for any work done on a lot which is partially contained within the WPOD boundary, the owner must include with his or her application a map on a scale of one inch equals forty feet prepared by a registered professional surveyor, stamped by a Registered Professional Engineer specializing in Civil Engineering, and approved in writing by the Town Engineer, showing the boundary of the WPOD with respect to the owner's property limits. The Planning Board may, upon review of

the application, determine what portion, if any, of such lot is contained within the WPOD. The Planning Board may issue an order approving said plan if the Planning Board determines that land on such lot shown outside the WPOD is not part of the catchment or drainage areas of Fish Brook or Haggetts Pond or part of their natural or man-made drainage system.

**8.1.3. Overlay District.** The WPOD is an overlay district and shall be superimposed on the other districts established by this by-law. Land in the WPOD may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions which follow herein.

**8.1.4. Permitted Uses.** The following uses are permitted within the WPOD, subject to the design standards set forth in Section 8.1.7:

1. Conservation of soil, water and plants;
2. Outdoor recreation and nature study;
3. Boat docks and landings, except on Haggetts Pond and Fish Brook, pedestrian and bicycle paths and bridges; and horse paths and bridges;
4. Operation and maintenance of dams, splash boards and other water control, supply and conservation devices;
5. Residential development, as permitted in the underlying district;
6. Farming, gardening, nursery, conservation, golf courses, forestry, harvesting and grazing, subject to restrictions set forth in Section 8.1.5.3;
7. Earth removal as defined in Sections 6.3.2, 6.3.3, and 6.3.4, where such removal will not endanger ground or surface water quality and where non-construction excavation or grading shall not come closer than four feet above maximum groundwater elevation. The angle of graded slopes shall be no greater than that which can be held by existing or planned vegetation;
8. Construction, alteration, repair and maintenance of municipal infrastructure, including water system, sewer systems, drainage, roadways and public utilities;
9. Storage of heating oil within a building, provided that all necessary state and local approvals have been obtained.
10. Existing on-site sewage disposal and treatment systems within 400 feet of Haggetts Pond, provided that on-site disposal and treatment systems are maintained in accordance with requirements set forth in 310 CMR 15.300 et seq.

**8.1.5. Special Permit Uses.** The Planning Board may allow the following uses within the WPOD upon the grant of a special permit and subject to any additional conditions the Planning Board may impose:

1. Ponds or other changes in water bodies or watercourses, created for recreational use or drainage improvements;

2. The creation of ponds not subject to Conservation Commission jurisdiction under the Wetlands Protection Act

3. The storage, manufacture or use of hazardous or toxic substances other than those prohibited in Section 8.1.6 as long as there is minimal risk to health, safety, and the environment as provided for in 310 CMR 40 Massachusetts Contingency Plan and would not exceed any state or federal water quality criteria or standards if spilled, discharged or otherwise released. All reasonable and necessary measures shall be taken to prevent spills, discharges or other releases of the hazardous or toxic substances to the environment.

**8.1.6. Prohibited Uses.** The following uses are prohibited within the WPOD, except as otherwise noted within this By-Law:

1. The bulk storage of salt and other road de-icing chemicals;
2. Landfills and open dumps as defined in 310 CMR 19.006;
3. Automobile graveyards and junkyards, as defined in M.G.L. c. § 140B, 1;
4. The discharge of stormwater into Fish Brook, Haggetts Pond, or any other surface water body or tributary stream within Priority Zones 1 or 2 for which oil/water separation devices have not been installed and regularly maintained at the nearest upstream manhole structure before the outfall;
5. Any new building, structure, land-disturbing activities, excavation or fill within fifty feet of all water bodies and watercourses as defined in this by-law; except for that which is necessary for the operation, modification, repair, replacement or expansion of the town's public drinking water supply system, and foot, bicycle and/or horse paths and bridges and said systems which will be consistent with the purposes set forth in Section 8.1.1.
6. The storage, management or disposal of solid waste or refuse as defined in Massachusetts regulations at 310 CMR 19 ;
7. Gasoline service station, repair garage or body shop for motorized vehicles;
8. The stockpiling, or disposal of snow within the WPOD boundaries from any sources either within or outside the boundaries of the WPOD;
9. Unless otherwise exempted or excluded under federal, state, or local requirements, the storage, management, or disposal (including septic systems and floor drains) of hazardous materials as defined in Massachusetts regulations cited at 310 CMR 40.1600 (Oil and Hazardous Materials List) and Federal regulations cited at 40 CFR Part 355 (Extremely Hazardous Materials List).

10. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any other subsequent amendments;
11. Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater;
12. Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L. c. 21, §§ 26 through 53; M.G.L. c. 111, § 17; M.G.L. c. 83, §§ 6 and 7, and regulations promulgated there under;
13. Unless otherwise exempted or excluded under federal, state, or local requirements, facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00;
14. Unless otherwise exempted or excluded under federal, state, or local requirements, the storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products;
15. Storage of commercial fertilizers, as defined in MGL c 128, § 64;
16. Storage of sludge and septage;
17. Storage, stockpiling, or spreading of animal manure within Priority Zone 1;
18. Earth removal, consisting of the removal of soil, loam, sand, gravel or any other earth material (including mining activities) to within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;
19. Any new on-site sewage treatment and disposal systems within 400 feet of a surface water supply as provided for in 310 CMR 15.211 and within 200 feet of one or more rivers, streams, or swales which are tributary to the surface water supplies;
20. Prohibitions not otherwise specified herein, but provided for in 310 CMR 22.20B, Surface Water Supply Protection.
21. For lots constructed after June 1, 2009 in addition to the above named prohibited uses the following shall apply: Any new building, structure, land-disturbing activities, excavation or fill within Priority Zone 1 as defined in this by-law; except for that which is necessary for the operation, modification, repair, replacement or expansion of the town's public drinking water supply system, and foot, bicycle and/or horse paths and bridges and said systems which will be consistent with the purposes set forth in Section 8.1.1.

**8.1.7. Design Standards.** Any development of land within the WPOD, except for modifica-

tions/changes to previously existing buildings or structures within Priority Zone 1, shall meet the following design standards in addition to all standards imposed by the underlying zoning district. Where a lot is partially contained within the WPOD boundary, these standards shall apply to that portion of the lot which is determined to be within the WPOD:

1. Slopes which exceed an average of fifteen percent (15%) over a distance of ten feet or more shall remain undisturbed;
2. Where a lot is partially outside the WPOD, the site plan shall, to the greatest extent possible, locate pollution sources, such as subsurface sewage disposal systems, outside the district;
3. Vegetation on the lot shall be planted and located in such a way as to maximize groundwater recharge, absorb and filter runoff and reduce erosion;
4. All construction activities as allowed within the WPOD shall be designed or sited to minimize erosion and runoff, by such practices as minimizing the construction period, slope stabilization, ditch maintenance, filtering, sedimentation basins and re-vegetation. A Sedimentation and Control Plan, prepared and stamped by a Massachusetts Registered Professional Engineer, and approved by the Town Planning Board and other local agencies as may be needed, shall be required for all construction and land-disturbing activities within the designated Priority Zone 1 of water bodies and tributaries to the water supply as defined in Section 8.1.2. In addition, a Planting and Re-vegetation Plan prepared by a licensed Landscape Architect and approved by the Town shall be required as part of all construction and land disturbing activities within the WPOD.
5. The renovation, expansion, and/or upgrade of existing on-site sewage treatment and disposal systems shall be conducted in accordance with requirements set forth in 310 CMR 15.000 et seq., unless otherwise specified herein.

#### **8.1.8. Special Permit Procedures.**

1. **Filing of the Application.** Twelve complete copies of the application for a special permit for land use within the WPOD shall be filed with the Planning Board on a form approved by the Planning Board.
2. **Review by Other Boards and Agencies.** Before acting upon the application, the Planning Board shall submit it to the following boards and agencies which may review it jointly or separately: the Board of Health, the Conservation Commission, the Department of Public Works and other boards or agencies that the Planning Board may deem appropriate. Any such agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the Planning Board and the applicant.
3. **Further Requirements for Information.** After the opportunity for review by other boards and agencies, the Planning Board may require the applicant to supply more specific information about the proposed development as per questions and comments of the reviewing boards and agencies.

**8.1.9. Decision.** The Planning Board may grant a special permit for land use within the WPOD here-



under only if it finds that the applicant has met the general requirements of Sections 8.1 and 9.4, and that the applicant has demonstrated the following:

1. That the plan will preserve and protect the surface and ground water resources in the WPOD for the health, safety and welfare of the town's people;
2. That the plan will protect the community from the detrimental use and development of land and waters within the WPOD;
3. That the design standards of Section 8.1.7 have been met.
4. That Special Permits Procedures 8.1.8 (2.) have been met.

**8.1.10. Conditions and Restrictions.** The Planning Board may impose any conditions and restrictions required to mitigate any potential damage to surface and ground water resources and, in reaching its decision, will consider the simplicity, reliability and effectiveness of these mitigating measures and the damage likely to result if these measures were to fail. If the Planning Board disagrees with the recommendations of the Conservation Commission or the Board of Health, the reasons shall be stated in writing.

**8.1.11. Severability:** If any provision, paragraph, sentence, or clause of this By-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

## **8.2. FLOOD HAZARD OVERLAY DISTRICT**

**8.2.1. Purpose.** The purposes of the Flood Hazard Overlay District (FHOD) are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

**8.2.2. Location.** The boundaries of the Flood Hazard Overlay District shall enclose all those areas designated Zone A or Zone AE on the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Town of Andover, Massachusetts, Essex County, effective date June 5, 1989, and a floodway on portions of Zone AE as shown on the above-named plan, in both cases as further specified in the Flood Insurance Study (FIS), all of which documents are on file with the Planning Board and Inspector of Buildings.

**8.2.3. Overlay District.** The FHOD is hereby established as an overlay district. Where the regulations of the FHOD impose greater or lesser restrictions or requirements than those of other applicable by-laws or regulations, the more restrictive shall apply.

**8.2.4. Regulations.** Any development within the FHOD, including structural and nonstructural activities, whether permitted by right or by special permit, shall be subject to all otherwise applicable requirements of the underlying zoning district in which it is located, including usual use and dimensional requirements, and also to the following requirements:

1. [reserved]
2. The flood-carrying capacity of any watercourse shall be maintained in the event of any alteration or relocation, as determined by the Inspector of Buildings upon the advice of the Conservation Commission.
3. Within Zone A, the most recent federal, state, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. Within Zone AE, along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvement or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood. Within Zone AE, along watercourses that have regulatory floodways designated on the Andover FIRM Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
4. The requirements of 780 CMR 744.0 of the Massachusetts State Building Code which address floodplain and coastal high-hazard areas; 310 CMR 10.00, Wetlands Protection, Department of Environmental Protection (DEP); 302 CMR 6.00, Inland Wetlands Restriction, DEP; 310 CMR 15, Title 5, minimum requirements for subsurface disposal of sanitary sewage, DEP; all as from time to time amended and if the particular CMR is then in force and effect as a Massachusetts regulation.
5. Where any alteration or relocation of a watercourse is proposed, the appropriate federal, state and local authorities shall be notified, including the National Flood Insurance Program State Coordinator and Program Specialist, as well as representatives of adjacent communities if appropriate.

**8.2.5. Special Permit.** The Board of Appeals may grant a special permit to provide an exception to the requirements of Section 8.2.4, above. Such special permit may be granted only in the case of structures such as boat houses which require waterfront location and are not continuously used for human occupancy, or in the case of development on a lot of less than a half acre which is surrounded by existing nonconforming structures, in either case provided that all of the following are shown: (a) good and sufficient cause; (b) failure to allow the departure would result in exceptional hardship to the applicant; (c) allowing the departure will not result in increased flood heights, additional threats to public safety, extraordinary public expense, created nuisances, cause fraud on or victimization of the public or conflict with other by-laws or regulations; (d) and the departure is the minimum necessary,

considering the flood hazard, to afford relief. Exceptions may also be granted for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places.

**8.2.6. [Added 5-26-2009 ATM, Art. 67]**

- (1) **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments for land area containing more than 50 lots or for land area greater than 5 acres within unnumbered A zones as determined by the Flood Insurance Rate Map (FIRM).
- (2) **Other Use Regulations:** All subdivision proposals must be designed to assure that:
  - a) such proposals minimize flood damage;
  - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - c) adequate drainage is provided to reduce exposure to flood hazards.

**8.3. RESERVED**

**8.4. MIXED USE DISTRICT**

**8.4.1. Purpose.** The Mixed Use District has been created to foster a greater opportunity for creative development by providing guidelines which encourage a mix of uses compatible with neighboring properties; to provide housing and business uses in locations where town services are available; and to encourage the provision of open areas.

**8.4.2. Design Standards.** No building permit or certificate of occupancy shall be issued for the erection of a new building, the enlargement of an existing building, the redevelopment of an existing building, the development of a use not located in a building or the change from one permitted use to another unless the design standards set forth below are satisfied.

1. **Parking.** Off-street parking requirements listed in Sections 5.1.1 through 5.1.5 shall apply. Where multiple uses share a common parking lot, parking shall be calculated for each use to determine the total parking required.
2. **On-site Circulation.** Pedestrian walkways, streets and driveways shall be designed to provide safe and convenient access to the proposed uses and to surrounding streets and pedestrian ways. Walkways shall be encouraged along waterways and in the vicinity of buildings and parking areas.
3. **Screening.** Section 5.3.3 shall apply.
4. **Driveway Locations.** Driveways shall be designed in accordance with Section 5.1.5.4.
5. **Landscaping.** Landscaping shall be provided in front, side and rear yards and along the perimeter of parking areas to provide separation from building and public ways. At a minimum, parking lots shall be enclosed by a landscaped area five feet in width. At least five per-

cent (5%) of the parking lot interior shall be landscaped for parking lots which exceed fifty parking spaces.

6. *Distance from Residential Dwellings.* Section 4.1.4.4 shall apply.

7. *Maintenance.* All landscaping and screening shall be maintained by the property owner.

**8.4.3. Review Requirements.** Any commercial, industrial, institutional and/or multifamily use in the Mixed Use District shall require site plan review and approval pursuant to Section 9.5.

## **8.5. INDUSTRIAL D DISTRICT**

**8.5.1. General.** All development in an Industrial D District shall be subject to the following, unless a special permit to vary these requirements is granted by the Zoning Board of Appeals, upon its determination that alternative provisions provide comparable protection for adjoining lots and ways.

1. All utility service lines shall be placed underground. All transformers, meters or similar utility apparatus shall be placed on or below the surface of the land and be screened from view.
2. All developed land area not covered by buildings, parking areas, driveways and other site improvements shall be landscaped, and all parking areas shall be screened by landscaping in accordance with Sections 5.1.8.6 and 5.3.2.
3. All undeveloped portions of land may remain in the natural state, provided that such areas do not create a hazard or nuisance.
4. No outdoor lighting shall be mounted higher than twenty-five feet above finished grade, and lighting sources shall be designed to prevent excessive glare on adjoining property.

## **8.6. GROUNDWATER PROTECTION OVERLAY DISTRICT [Added 4-28-2003 ATM, Art. 54]**

**8.6.1. Purpose.** This Groundwater Protection Overlay District (GWPOD) is established in the Town of Andover for the following purposes:

1. To preserve and protect the groundwater resources in the Zone II of the Tewksbury Hospital water supply wells for the health, safety and general welfare of the residents, staff and visitors to the facility;
2. To preserve and protect potential sources of drinking water supplies from detrimental use and development of land, and to prevent temporary and permanent contamination of the environment in the Town of Andover;
3. This GWPOD does not limit the existing authority of the Conservation Commission pursuant to M.G.L. c. 131, § 40.

**8.6.2 Establishment And Delineation.** This GWPOD includes all the lands which create the recharge area for the Tewksbury Hospital water supply wells. This district includes all the areas within the Town of Andover which are designated on the map titled "Andover Parcels, Andover Water Protection Overlay District, and Tewksbury Hospital Zone II Wellhead Protection Zone" (Copies of map are on file and available in the Department of Community Development and Planning office.) which is hereby made a part of the Town Zoning Maps.

1. *Burden of Proof.* When a property owner seeks Town approval for any work done on a lot which straddles the line on this GWPOD as shown on said map, the owner must include with his or her application, a map on a scale of one inch equals 40 feet prepared by a registered professional surveyor and approved in writing by the Town Engineer, showing the boundary on the owner's lot. The Planning Board may, upon application of the owner of any lot, determine what portion, if any, of such lot is in the GWPOD. The owner must include with his or her application a map on a scale of one inch equals 40 feet prepared by a registered professional surveyor and approved in writing by the Town Engineer, showing the boundary of the GWPOD with respect to said property. Alternatively, the owner may use the Massachusetts Geographical Information System Zone II map information and corresponding lot boundary information to assess the relative location of the owner's lot and the boundary of the GWPOD, subject to approval by the Planning Board. At the request of the owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner for the cost of the investigation.

**8.6.3. Overlay District.** The GWPOD is an overlay district and shall be superimposed on the other districts established by this by-law. Land in the GWPOD may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions which follow herein. In locations where this GWPOD overlaps the land area delineated by the Fish Brook/Haggetts Pond WPOD (Section 8.1), the restrictions of both areas must be followed.

**8.6.4. Permitted Uses.** The following uses are permitted within the Groundwater Protection District, subject to the design standards set forth in Section 8.6.7:

1. Conservation of soil, water, plants, and wildlife;
2. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
3. Foot, bicycle and/or horse paths, and bridges;
4. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
5. Maintenance, repair, and enlargement of any existing structure subject to other conditions in Section 8.6;
6. Residential development, as permitted in the underlying district;
7. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing;
8. Construction, maintenance, and repair of municipal infrastructure, including water system, sewer system, drainage, roadways and public utilities, and enlargement of drinking water supply related facilities; and
9. Storage of heating oil within a building, provided that all necessary state and local approvals have been obtained.

**8.6.5. Special Permit Uses.** The Planning Board may allow the following uses within the GWPOD upon the grant of a special permit and subject to any additional conditions the Planning Board may impose:

1. Ponds or other changes in water bodies or watercourses, created for recreational use or drainage improvements;
2. The creation of ponds not subject to Conservation Commission jurisdiction under the Wetlands Protection Act.
3. The storage, manufacture or use of hazardous or toxic substances other than those prohibited in Section 8.6.6 below, in any quantity that if simultaneously spilled, discharged or otherwise released would cause any danger to public health or safety or would cause or contribute to an exceeding of any state or federal water quality criterion or standard, provided that all necessary measures shall be taken to prevent spill, discharge or other release of the hazardous or toxic substances to the environment.
4. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater.
5. Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District.

**8.6.6. Prohibited Uses.** The following uses are prohibited within the GWPOD:

1. Landfills and open dumps as defined in 310 CMR 19.006;
2. Automobile graveyards and junkyards, as defined in M.G.L. c. § 140B, 1;
3. Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L. c. 21, §§ 26 through 53; M.G.L. c. 111, § 17; M.G.L. c. 83, §§ 6 and 7, and regulations promulgated thereunder;
4. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00, except for the following:
  - a. Very small quantity generators as defined under 310 CMR 3 0.000;
  - b. Household hazardous waste centers and events under 310 CMR 30.390;
  - c. Waste oil retention facilities required by M.G.L. c. 21, § 52A;
  - d. Water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
5. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the US Office of Management and Budget and may be determined

by referring to the publication, Standard Industrial Classification Manual and any other subsequent amendments;

6. Storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products unless such storage is:

a. Above ground level; and

b. On an impervious surface; and

c. Either:

(i) In container(s) or aboveground tank(s) within a building; or

(ii) Outdoors in covered container(s) or aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;

7. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

8. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

9. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service;

10. Earth removal, consisting of the removal of soil, loam, sand, gravel or any other earth material (including mining activities) to within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;

11. Discharge to the ground of nonsanitary wastewater including industrial and commercial process wastewater, except:

a. The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;

b. Treatment works approved by the Department designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);

c. Publicly owned treatment works.

12. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the district;

13. Storage of commercial fertilizers, as defined in MGL c 128, § 64, unless such storage is



within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

**8.6.7 Design Standards.** Any development of land within the GWPOD shall meet the following design standards in addition to all standards imposed by the underlying zoning district. Where a lot straddles the GWPOD district boundary, these standards shall apply to that portion of the lot in the GWPOD:

1. Slopes which exceed an average of 15% over a distance of 10 feet or more shall remain undisturbed;
2. Where a lot is partially outside the GWPOD, the site plan shall, to the greatest extent possible, locate pollution sources, such as subsurface sewage disposal systems, outside the district; or
3. Where a system of artificial recharge is proposed in accordance with Section 8.6.5.4<sup>1</sup>, a system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.
4. All construction and land disturbing activities within the GWPOD shall be designed or sites to minimize erosion and runoff, by such practices as minimizing the construction period, slope stabilization, ditch maintenance, filtering, sedimentation basins and revegetation.

**8.6.8 Permit Procedures**

1. *Filing of the Application.* Eight complete copies of the application for a special permit for land use within the GWPOD shall be filed with the Planning Board on a form approved by the Planning Board.
2. *Review by Other Boards and Agencies.* Before acting upon the application, the Planning Board shall submit it to the following boards and agencies which may review it jointly or separately: the Board of Health, the Conservation Commission, the Department of Public Works and other boards or agencies that the Planning Board may deem appropriate. Any such agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the Planning Board and the applicant. Failure to make recommendations within 20 days of receipt shall be deemed lack of comment or opposition.
3. *Further Requirements for Information.* After the opportunity for review by other boards and agencies, the Planning Board may require the applicant to supply more specific information about the proposed development or activity as per questions and comments of the reviewing boards and agencies. Such additional information shall be submitted within 10 days after notice by the Planning Boards.

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<sup>1</sup> Editor's Note: So in original. Should probably be 8.6.4.

**8.6.9. Decision.** The Board may grant a special permit for land use within the GWPOD hereunder only if it finds that the applicant has met the general requirements of Sections 8.6 and 9.4 and that the applicant has demonstrated the following:

1. That the plan will in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District; and
2. That the plan will be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

**8.6.10. Conditions and Restrictions.** The Planning Board may impose any conditions and restrictions required to mitigate any potential damage to groundwater resources and, in reaching its decision, will consider the simplicity, reliability and effectiveness of these mitigating measures and the damage likely to result if these measures were to fail. If the Planning Board disagrees with the recommendations of the Conservation Commission or the Board of Health, the reasons shall be stated in writing.

## SECTION 9.0. ADMINISTRATION AND PROCEDURES

### 9.1. ENFORCEMENT

**9.1.1. Administration.** This by-law shall be administered by the Inspector of Buildings.

**9.1.2. Compliance.** Buildings, structures or signs may not be erected, substantially altered, moved or changed in use and land may not be substantially altered or changed in principal use without certification by the Inspector of Buildings that such action is in compliance with then applicable zoning or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law. Issuance of a building permit or certificate of use and occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

**9.1.3. Commencement of Construction.** Construction or uses under a building permit or special permit shall conform to any subsequent amendment of this by-law unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

**9.1.4. Zoning Violations.** If any board, agency or official or person aggrieved shall complain in writing to the Inspector of Buildings that a provision or provisions of this Zoning By-Law are being violated, identifying the violation or violations he believes to exist and the person or party in violation, the Inspector of Buildings shall investigate such complaint and shall respond within fourteen days of receipt of such complaint to the complainant ruling that a violation does or does not exist. If he rules that a violation does not exist, he shall inform the complainant of the reasons for that ruling. If he rules that a violation does exist, he shall so inform the person or party against whom such violation is found ordering him to cease such violation.

**9.1.5. Penalties.** If the violation is not stopped within an appropriate time following notification, the Inspector of Buildings shall notify the Town Manager for appropriate action. Any person violating any of the provisions of this by-law shall be fined not more than three hundred dollars for each offense. Each day that such violation continues shall constitute a separate offense.

## **9.2. BOARD OF APPEALS**

**9.2.1. Membership.** There is established a Board of Appeals of five members and there shall be also appointed four associate members to the Zoning Board of Appeals. The members of the Board of Appeals and the associates shall be appointed by the Selectmen as provided in G. L. c. 40A. The Zoning Board of Appeals shall be organized and governed by the provisions of G. L. c. 40A.

**9.2.2. Powers.** The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

1. *Special Permits.* To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 9.4, or as otherwise specified.
2. *Variances.* To hear and decide appeals or petitions for variances from the terms of this by-law, including variances for uses, with respect to particular land or structures, owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, where a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law, all as set forth in G.L. c. 40A, s. 10.
3. *Administrative Appeals.* To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 7, 8 and 15.
4. *Comprehensive Permits.* To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.
5. *Withheld Building Permits.* Building permits withheld by the Inspector of Buildings acting under G.L. c. 41, s. 81Y as a means of enforcing the Subdivision Control Law may be issued by the Board of Appeals where the Board finds practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building be related to a way shown on the subdivision plan in question.



**9.2.3. Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

**9.2.4. Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for special and comprehensive permits.

### **9.3. PLANNING BOARD**

**9.3.1. Planning Board Associate Member.** To assist in carrying out its duties as a special permit granting authority, there shall be one associate member of the Planning Board appointed by the Town Manager under authority of G.L. c. 40A, s.9. The associate member shall sit on the Planning Board for the purposes of acting at special permit application hearings in case of absence, inability to act or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

**9.3.2. Authority.** The Planning Board shall have and exercise all the powers granted to it by Chapters 40A and 41 of the General Laws and by this by-law. The Board's powers are as follows:

1. *Site Plan Review.* The Board shall hear and decide applications for a site plan certificate of approval subject to Section 9.5 of this by-law.
2. *Special Permits.* The Planning Board shall act as the Special Permit Granting Authority where authorized herein.

**9.3.3. Regulations.** The Planning Board may, from time to time, establish and amend rules and regulations for the administration of site plan review and special permits which it is empowered to grant.

**9.3.4. Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for special permits and site plan review.

### **9.4. SPECIAL PERMITS**

**9.4.1. Authority.** Unless specifically designated otherwise in the Table of Uses, the Board of Appeals shall act as the Special Permit Granting Authority (SPGA).

**9.4.2. Criteria.** Special permits may be granted when the SPGA has found that the proposed use will not be unreasonably detrimental to the established or future character of the neighborhood and town and that such is in harmony with the general purpose and intent of this by-law. In addition to any specific factors that may be set forth in this by-law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;

4. Neighborhood character and social structures; and
5. Impacts on the natural environment, including, but not limited to, air and water pollution, noise, stormwater runoff, and aesthetics.

**9.4.3. Application.** Applications shall be filed in accordance with the rules and regulations of the SPGA. An application shall not be deemed complete until all copies of required information and documentation have been filed with the SPGA. For any major non-residential project as defined in Section 10.0, the applicant shall submit application materials as set forth in Section 9.5.3 below and shall follow the procedures set forth in subsections 9.5.4.1 and 2 of this by-law.

**9.4.4. Public Hearing.** The SPGA shall hold a public hearing in conformance with G.L. c. 40A, s.9 and with the provisions of this by-law. The hearing shall be held within sixty-five days after the filing of the application. Notice shall be given by publication and posting and by first class mailings to parties of interest as defined in G.L. c. 40A., s. 11.

**9.4.5. Decision.** The written decision of the SPGA, and any extension, modification or renewal thereof, shall be filed with the Town Clerk within ninety days following the closing of the public hearing. Failure of the SPGA to act within ninety days shall be deemed a grant of the permit applied for.

**9.4.6. Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this by-law.

**9.4.7. Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twenty-four months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

**9.4.8. Major Non-Residential Projects.** For any Major Non-Residential Project as defined in Section 10.0:

- a. the provisions of subsections 9.5.3 and 9.5.4.1 and 2 shall apply;
- b. The Planning Board may require the applicant to submit more information about the proposed development within the purposes and guidelines of Section 9.5, or based on comments of the reviewing boards and agencies. Additional information shall be submitted to the Planning Board within ten days of written request by the Board.
- c. In reviewing the application, the Planning Board shall, as a minimum, consider staff comments and the items in subsections 9.5.4.3.a through k. [Amended 4-26-2005 ATM, Art. 32]
- d. The special permit criteria of subsection 9.4 shall be met.

**9.4.9 Interdepartmental Review.** Unless otherwise specifically required under this by-law, the SPGA may require that an interdepartmental review be conducted on an application for a special permit. [Added 4-28-2003 ATM, Art. 34]

- (a) the use of more than 33 1/3 % of the gross floor area of the building up to a maximum of 1000 gross square feet;
- (b) the signage shall conform to the Zoning Bylaw Section 5.2. Signs, [Amended 5-26-2009 ATM, Art. 38]
- (c) alteration of the residential character of the premises;
- (d) noise, heat, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, or other objectionable effects discernible at the property line not normally associated with residential use;
- (e) the employment of more than one person not a member of the resident family;
- (f) the parking of commercial vehicles on site, except as allowed in § 3.2.1.3 and § 3.2.1.4 of the Bylaw;
- (g) adult use (as defined in Section 10.0 of the Bylaw);
- (h) generating any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

**DRIVEWAY:** An accessory use on a lot, privately owned and intended for the passage of motor vehicles.

**DWELLING:** A building designed and occupied as the living quarters of one or more families.

**DWELLING, MULTIFAMILY:** A building containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A building containing one dwelling unit.

**DWELLING, TWO-FAMILY:** A building containing two dwelling units.

**DWELLING UNIT:** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**EARTH MOVEMENT:** The importing, exporting and/or regrading of soil, loam, peat, gravel, rock, or similar material by means of vehicles and machinery, to, from, or on land in Andover.

**ELDERLY:** For the purposes of this by-law, a person who is 55 years of age or older.

**ESSENTIAL SERVICES:** Transformer station, substation, pumping station, telephone exchange, telephone or radio repeater or other similar utility installation, provided that in any residential district no public business office, storage yard, storage buildings or motor maintenance installation may be operated in connection therewith.

**FAMILY:** One or more persons occupying a dwelling unit, provided that no group of more than five unrelated individuals may constitute a family.



**FAMILY DAY CARE HOME, LARGE:** Any private residence operating a facility with more than six nonresident children, all as defined in G.L. c. 28A, s. 9.

**FAMILY DAY CARE HOME, SMALL:** Any private residence operating a facility with six or less nonresident children, all as defined in G.L. c. 28A, s. 9.

**FAMILY DWELLING UNIT:** Use of a room or rooms in a detached one-family dwelling or accessory building as a dwelling by relatives (by reason of birth or marriage) where there is a need by reason of illness, disability or age requiring extended care or supervision of the relative. This use shall be subject to reasonable conditions and the requirement for renewable time periods not exceeding five years.

**FLOOR AREA, GROSS:** The total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

**FLOOR AREA, NET:** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**FUNERAL HOME:** Facility for the conducting of funerals and related activities such as embalming.

**HELICOPTER:** A rotary wing aircraft that, for its horizontal motion, depends principally on its engine-driven rotors.

**HELIPORT:** An area of land or a structure used or intended to be used for the landing and takeoff of helicopters and restricted in usage to the owner or to persons authorized by the owner.

**INDEPENDENT LIVING RESIDENCE:** A dwelling that provides accommodations in dwelling units for elderly persons. These residences may include common areas, a common dining facility and space for the provision of social, psychological and educational programs.

**INDOOR COMMERCIAL RECREATION ESTABLISHMENT:** A facility involving the assembly of people for indoor recreation or amusement for purposes of dining, drinking or dancing; musical or theatrical entertainment; or sporting events or athletic activities.

**INTERNAL ACCESS ROADS:** In industrial districts, any road or drive which provides exclusive vehicular access to more than one industry or lot.

**LONG-TERM CARE FACILITY:** An institution or distinct part of an institution which is licensed by the Massachusetts Department of Public Health to provide twenty-four hour care under medical supervision to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Long-term-care facilities provide assistance with activities of daily living as defined by 651 CMR 12.02, as well as skilled nursing and medical care by a skilled nursing staff.

**LOT:** An uninterrupted area of land in one ownership with definitive boundaries, the use of which is subject to the provisions of this by-law.

**LOT AREA:** The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. One hundred percent (100%) of the lot area required for zoning compliance shall be contiguous land other than land located within a line identified as the wetland margin as shown on maps entitled "Wetland Areas of Andover, MA" and subsequent revisions as approved by the Andover Conservation Commission. The ninety percent (90%) contiguous upland regulation shall continue to apply to a lot in existence prior to the effective date of this by-law.

**LOT FRONTAGE:** An uninterrupted distance along a single way, or along two intersecting ways if the angle of intersection of the two ways is greater than one hundred twenty degrees, in fact capable of providing safe vehicular and pedestrian access to the principal use of a lot.

**LOT LINE:** A line dividing one lot from another, or from a street or any public place.

**LOT WIDTH:** The horizontal distance between side lot lines, measured parallel to the lot frontage.

**MAJOR NON-RESIDENTIAL PROJECT:** A commercial, industrial, or institutional development, but excluding municipal facilities in the Town of Andover and projects governed by any provision of Section 7.0 herein, having any of the following characteristics:

- a. a proposal to increase the gross floor area of an existing building by more than two thousand square feet;
- b. a proposal to construct a building or buildings in excess of ten thousand gross square feet;
- c. a proposal to alter, renovate, reconstruct or redevelop more than forty percent (40%) of the gross floor area of an existing building, when there is a change of use.

For the purposes of computation, development within the last 5 years on the subject property shall be considered.

**MANUFACTURING:** A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. The term "manufacturing" shall not include offensive industrial operations as defined in this section.

**MEDICAL CENTER OR CLINIC:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**MOTEL OR HOTEL:** A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four continuous months, nor may the guest reoccupy any unit within thirty days of a continuous four-month stay, nor may the guest stay more than six months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

**MOTOR VEHICLE REPAIR GARAGE OR BODY SHOP:** An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies. This does not include the storage of vehicles for the cannibalization of parts.

**MOTOR VEHICLE SALES OR RENTAL:** Premises selling or renting motor vehicles used for travel purposes.

**MOTOR VEHICLE SERVICE STATION:** Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

**MUNICIPAL FACILITIES:** Facilities owned or operated by the Town of Andover.

**NONCONFORMING BUILDING, STRUCTURE OR LOT:** A building, structure or lot that does not conform to a dimensional regulation prescribed in this by-law for the district in which it is located or to other regulations by this by-law excepting use regulations, but which building, structure or lot was in existence at the time the regulation became effective and was lawful at the time it was established.

**NONCONFORMING USE:** A use of a building or lot, which does not conform to a use regulation prescribed by this by-law for the district in which it is located, but which was in existence at the time the use regulation became effective and was lawful at the time it was established.

**OFFENSIVE INDUSTRIAL OPERATIONS:** The following activities are considered offensive industrial operations: (a) abattoir, stockyard, or establishment for the reduction of offal, garbage or animal matter; (b) incinerator (except as operated by the town); (c) manufacture or storage of explosives or fireworks; (d) manufacture of cement or lime; (e) junk- or scrap yard, which shall mean a lot used for the storage of any worn-out, cast-off or discarded material ready for destruction or collected for salvage or conversion to some use, including also the storage in the open of secondhand, junk, or scrap material, i.e., the storage of any worn-out, cast-off or discarded material, ready for destruction or collected for salvage or conversion for some use or for sale; (f) truck terminal or intermediate transfer facility; (g) any use which creates a hazard to safety and health in the community or danger of fire or explosion or which creates dust, smoke, odor, fumes, gas, vapor, fly ash, sewage, refuse, noise or vibration, any of which are perceptible under normal conditions at any property line.

**OPEN STORAGE OF SECOND HAND, JUNK OR SCRAP MATERIAL:** Storage in the open of secondhand, junk or scrap material, which shall mean storage of any worn-out, cast-off or discarded material, ready for destruction or collected for salvage or conversion for some use or for sale.

**OUTDOOR RECREATION CLUB OR CAMP:** A club or camp facility operated in whole or in part as a commercial enterprise, provided that the site therefor shall contain at least fifty acres, that buildings, structures, paved areas other than driveways, and other intensively developed portions of the site shall be set back at least one hundred feet from every street and property line and that any commercial activities, other than participation in indoor recreation, shall be clearly incidental to the principal outdoor recreation uses.

**PERSONAL SERVICE ESTABLISHMENT:** A facility providing personal services such as hair salon, barber shop, tanning beds, print shop, photography studio, and the like.

**PLANNED DEVELOPMENT:** The development of land as set forth in Section 7.2, herein.

**PORTABLE OR REMOVABLE SIGN:** A temporary sign of any shape or configuration that is self-supporting and not permanently fixed or mounted to the ground or to another structure. [Added 5-26-2009 ATM, Art. 37]

**PRINCIPAL USE:** The primary or predominant use of any lot or parcel.

**PROJECTING SIGN:** A sign mounted perpendicular to the building facade. [Added 5-2-2005 ATM, Art. 42; amended 5-26-2009 ATM, Art. 37]

**PROFESSIONAL HOME OFFICE:** Office in a dwelling for the practice of a resident physician, lawyer or dentist, provided that not more than three persons not members of the resident family are regularly employed therein in a technical capacity, and that such use occupies not more than 33 1/3% of the total floor area of the dwelling.

**REMOVAL:** The word "removal" in the context of Section 6.3 of this by-law shall mean the carrying off-site of soil, loam, sand, peat, gravel, rock or similar matter, all such matter to be characterized as earth materials.

**RESTAURANT, DRIVE-IN:** An establishment which provides service or sale of food or drink to customers while in their vehicles.

**RESTAURANT, FAST-FOOD:** An establishment whose primary business is the sale of food or drink for consumption on or off the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; and (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can readily be consumed outside the premises where it is purchased.

**RESTAURANT, SIT-DOWN:** An establishment where the principal activity is the service or sale of food or drink for consumption on premises.

**RETAIL SALES ESTABLISHMENT:** A facility selling goods, but not otherwise specifically listed in the Table of Use Regulations; including the sale of such merchandise other than at retail if incidental to the operation of a retail establishment, including processing and/or assembly of merchandise when clearly accessory to the sale of such merchandise on the premises.

**SIGN:** A sign shall consist of any of the following elements: [Amended 5-26-2009 ATM, Art. 37]

- a. Lettering, words, numerals, emblems, trademarks, logos, images, drawings, pictures, graphics, pennants, streamers, or other devices of any material or construction, however displayed, whether as an independent structure or as part of a building or other structure or object;
- b. Any visual device designed to inform, attract or draw the attention of persons outside the premises on which the device is located, including messages within or attached to windows and doors;
- c. Any exterior building surface that is internally illuminated or decorated with gaseous tubing, LED displays or back lighting.

**SIGN AREA:** The area of the smallest horizontal or vertical rectangle enclosing the entire display area of the sign. The display area of a sign is the entire area, different in color or composition from the façade or common trim of the building, used to frame or provide a background for the sign. The display area may contain open space and irregular shapes if they are part of the sign. The display area shall also include internally illuminated, back-lit or decoratively lighted sign support structures if such elements are present. The area of double-sided signs shall be calculated using the area of only one face of the sign. [Amended 5-26-2009 ATM, Art. 37]

**STORY:** That portion of a building contained between any floor and the floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion is below the mean finished grade of the ground adjoining such building.

**STORY, HALF:** A partial story under a gable, gambrel or hip roof, the wall plates of which on any two sides do not rise more than four feet above the floor of such partial story.

**STREET:** An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

**STRUCTURE:** Any combination by man of matter composed of parts or materials assembled and joined or mixed together in some definite manner or pattern at a certain location for whatever purpose or use, whether or not affixed to the land. "Structure" shall include, but not be limited to, swimming pools, tennis courts, sports courts and courts for athletic and recreational activity and the equipment and paraphernalia associated with any such court but shall not include fences, garden walls and paved areas used solely for vehicular or pedestrian access or both. [Amended 4-28-2010 ATM, Art. 36]

**SWIMMING POOLS:** All swimming and wading pools whether excavated or aboveground, with the exception of portable pools of less than eight feet in diameter or in greatest horizontal dimension and with the capability of retaining a depth of no more than one foot of water.

**TEMPORARY AND SEASONAL PLACEMENT OF TABLES AND CHAIRS:** The temporary and seasonal placement of tables and chairs outside a permitted commercial structure for the convenience of patrons and other shoppers, as a use incidental and accessory to a permitted food or retail sales establishment where the principal activity is the service or sale of food for consumption on or off the premises, or the retail sale of merchandise. Outdoor table and chairs shall not be located within a parking lot or a public right-of-way and shall not interfere with pedestrian access or access for emergency purposes.

**TEMPORARY USE OF RESIDENTIAL PREMISES FOR SALE OF CRAFTS:** The temporary use of residential premises for sale of crafts subject to a permit issued by the Inspector of Buildings for up to two consecutive days only and limited to two permits per calendar year for any given premises.

**WAREHOUSE:** A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

**WATER BODY OR WATERCOURSE:** Any natural or man-made stream, pond, lake, wetland or other body of water and shall include wet meadows, marshes, swamps, bogs and areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting substrate for a plant community for at least five months of the year, as further defined in the Wetlands Regulations (310 CMR 10.00), as amended.

**WAY:** Shall include public ways, ways accepted as such by the town, ways which the Town Clerk certifies are maintained and used as public ways and ways approved by the Planning Board.

**WIND-ENERGY CONVERSION SYSTEM:** A device which converts wind energy to mechanical or electrical energy.

**WIRELESS COMMUNICATIONS FACILITIES:** Facilities used for the principle purpose of commercial or public wireless communications uses, such as cellular telephone services, enhanced specialized mobile radio services, microwave communications, personal wireless communications services, paging services and the like, as defined in Section 704 of the Federal Telecommunications Act of 1996, as amended. Such facilities shall include towers, antennae, antennae support structures, panels, dishes and accessory structures.

**YARD, FRONT:** An open space extending across the full width of the lot between the way on which the principal building thereon fronts and the nearest point of any building on the lot.

**YARD, REAR:** An open space extending the full width of the lot between the rear lot line and the nearest point of the principal building on the lot.

**YARD, SIDE:** An open space extending from the front yard to the rear yard between a side lot line and the nearest point of any building on the lot.

**APPENDIX A  
TABLE 1**

**Section 3.1.3 - Table of Use Regulations**

[Amended 4-28-2003 ATM, Art. 44; 4-26-2005 ATM, Art. 40]

Most of the following uses in Table 1 below are defined in Section 10 of this by-law. See Section 10 and other sections referenced in the first column of this table for additional provisions.

Key to symbols used in Table 1:

- Y - A permitted use
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A. Residential Uses	Residential Districts				Business Districts				Industrial Districts		
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID
1. Detached single-family dwelling	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N
2. Cluster development (See Section 7.1)	N	PB	PB	N	PB	N	N	N	N	N	N
3. Board or lodging house	BA	BA	N	N	N	N	Y	N	N	N	N
4. Multiple dwellings:											
a. Conversion of a one-family or a two- or more family dwelling (See Section 7.6.2)	BA	BA	N	N	N	N	N	BA	N	N	N
b. Multiple-dwelling (Apartment Building) (See Section 7.6.3)	N	N	N	BA	N	N	N	N	N	N	N
c. Planned development, multifamily or mixed use (See Section 7.2)	N	N	N	N	N	N	PB	PB	N	N	N
d. Conversion of an existing structure of 50,000 square feet gross floor area or more to multifamily use (See Section 7.5)	BA	BA	N	N	N	N	N	N	N	N	N
e. New multifamily dwelling construction - Attached Cluster (See Section 7.3)	PB	PB	PB	N	N	N	N	N	N	N	N
5. Elderly housing (See Section 7.4):											
a. Long-term care facility (See Sections 7.4.1 and 7.4.6)	PB	PB	PB	N	N	N	N	N	N	N	N
b. Assisted living residence (See Sections 7.4.1 through 7.4.5)	PB	PB	N	N	N	N	PB	PB	N	N	N
c. Congregate care facility (See Sections 7.4.1 and 7.4.7)	PB	PB	N	N	N	N	PB	PB	N	N	N
d. Independent living residence (See Sections 7.4.1 and 7.4.8)	PB	PB	N	N	N	N	N	N	N	N	N
B. Institutional Uses											
1. Religious or educational uses exempt from zoning prohibition by G.L. c. 40A, s.3.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Municipal facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Child care facility:											
a. in existing structure (See Section 6.6.)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. in new structure (See Section 6.6)	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
4. Any use or facility operated by a private, nonprofit organization for the conservation of natural resources, for the preservation of historic sites, or for park or recreational purposes.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Hospital	BA	BA	BA	N	N	BA	Y	N	N	N	N
6. Philanthropic or charitable institution	BA	BA	BA	N	BA	BA	BA	N	N	N	N

**APPENDIX A**  
**TABLE 1**  
**Section 3.1.3 - Table of Use Regulations**  
**(continued)**

Most of the following uses in Table 1 below are defined in Section 10 of this by-law. See Section 10 and other sections referenced in the first column of this table for additional provisions.

Key to symbols used in Table 1:

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C. Business and Commercial Uses	Residential Districts				Business Districts				Industrial Districts		
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID
1. Outdoor recreation club or camp	BA	BA	BA	N	N	N	N	N	N	BA	BA
2. Private club not conducted for profit	BA	BA	BA	N	N	N	Y	N	N	N	N
3. Personal service establishment	N	N	N	N	N	N	Y	Y	Y	BA	N
4. Adult uses (See Section 6.5)	N	N	N	N	BA	N	N	N	N	N	N
5. Banking establishment	N	N	N	N	BA	N	Y	Y	BA	BA	BA
6. Retail sales establishment	N	N	N	N	N	N	Y	Y	Y	N	N
7. Convenience store	N	N	N	N	N	N	BA	BA	N	N	N
8. Non-exempt educational use	N	N	N	N	BA	BA	Y	N	N	BA	BA
9. Medical center or clinic	N	N	N	N	BA	BA	Y	Y	Y	N	N
10. Funeral home	N	N	N	N	N	N	Y	N	Y	N	N
11. Self-service laundry or dry-cleaning operation	N	N	N	N	N	N	BA	BA	BA	N	N
12. Restaurants:											
a. Restaurant, sit-down	N	N	N	N	BA	N	Y	BA	Y	BA	BA
b. Restaurant, fast-food	N	N	N	N	N	N	BA	N	BA	N	N
c. Restaurant, drive-in	N	N	N	N	N	N	N	N	N	N	N
13. Shop for custom work involving the manufacture of articles to be sold on the premises	N	N	N	N	N	N	Y	Y	Y	N	N
14. Indoor commercial recreation establishment	N	N	N	N	BA	N	Y	N	Y	N	N
15. Business, professional or administrative office	N	N	N	N	BA	BA	Y	Y	Y	Y	Y
16. Motel or hotel (See Section 4.1.5.1)	N	N	N	N	BA	N	Y	N	N	BA	BA
17. Commercial parking lot or garage	N	N	N	N	N	N	Y	BA	Y	N	N
18. Motor vehicle sale or rental	N	N	N	N	N	N	Y	N	Y	N	N
19. Motor vehicle service station	N	N	N	N	BA	N	BA	BA	BA	N	N
20. Motor vehicle repair garage or body shop (See Section 4.1.5.2)	N	N	N	N	N	N	BA	BA	BA	N	N
21. Car washing facility (See Section 4.1.5.2)	N	N	N	N	N	N	BA	N	BA	N	N
22. Building supply and fuel establishment	N	N	N	N	N	N	N	N	Y	BA	N
23. Contractor's yard	N	N	N	N	N	N	N	N	Y	BA	N
24. Wholesale storage warehousing	N	N	N	N	N	N	N	N	Y	BA	N
25. Major non-residential project (See Sections 9.4 and 10.0)	N	N	N	N	PB	PB	PB	PB	PB	PB	PB



**APPENDIX A**  
**TABLE 1**  
**Section 3.1.3 - Table of Use Regulations**  
**(continued)**

Most of the following uses in Table 1 below are defined in Section 10 of this by-law. See Section 10 and other sections referenced in the first column of this table for additional provisions.

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D. Manufacturing and Industrial Uses	Residential Districts				Business Districts				Industrial Districts		
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID
1. Laboratory for research and development work, or establishment engaged in general manufacturing or other industrial work including fabrication, assembly, and uses accessory thereto generally characterized by or involving activities conducted outside of enclosed structures.	N	N	N	N	N	N	N	N	Y	Y	N
2. Laboratory for research and development work; or establishment engaged in specialized manufacturing, including fabrication and assembly, associated with computers, computer peripheral equipment, electronics, information systems and devices, communications and telecommunications, precision instruments, medical devices and equipment, pharmaceuticals, biologics and drugs, and uses accessory thereto including training activities, provided that all activities shall be conducted within enclosed structures.	N	N	N	N	N	N	N	N	Y	Y	Y
3. Warehousing	N	N	N	N	N	N	N	N	Y	Y	N
4. Storage of goods, materials, products, equipment and nonregistered motor vehicles within enclosed structures incidental to subsection D. 1, 2 and 3 above.	N	N	N	N	N	N	N	N	Y	Y	Y
5. Offensive industrial operations	N	N	N	N	N	N	N	N	N	N	N
<b>E. Other Main Uses</b>											
1. Exempt agricultural use (See Section 6.9)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Non-exempt agricultural use (See Section 6.9)	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
3. Exempt farm stand	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Non-exempt farm stand	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
5. Public transportation station or terminal excluding airports	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
6. Essential services	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
<b>7. Earth Movement (See Section 6.3)</b>											
a. incidental to the construction of subdivision streets (See Section 6.3.2.1)	PB	PB	PB	N	N	N	N	N	N	N	N
b. incidental to the preparation of lots in a subdivision (See Section 6.3.2.2)	PB	PB	PB	N	N	N	N	N	N	N	N
c. incidental to construction on individual lots (See Section 6.3.3.)	Y	Y	Y	N	N	N	N	N	N	N	N

**APPENDIX A**  
**TABLE 1**  
**Section 3.1.3 - Table of Use Regulations**  
**(continued)**

Most of the following uses in Table 1 below are defined in Section 10 of this by-law. See Section 10 and other sections referenced in the first column of this table for additional provisions.

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E. Other Main Uses (continued)	Residential Districts				Business Districts				Industrial Districts		
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID
d. in Business, Apartment or Industrial Districts (See Section 6.3.4)	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
e. Miscellaneous earth movement (See Section 6.3.5)	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
8. Cemetery	BA	BA	BA	N	N	N	BA	N	N	N	N
F. Accessory Uses (See Section 3.2)											
1. Family day care, small	Y	Y	Y	BA	Y	Y	Y	Y	Y	Y	Y
2. Family day care, large	N	N	N	N	N	N	N	N	N	N	N
3. Customary home occupation	Y	Y	Y	N	N	N	Y	Y	Y	Y	N
4. Family dwelling unit	BA	BA	BA	N	BA	N	BA	BA	BA	BA	BA
5. Professional home office	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y
6. Keeping or boarding of horses, ponies, cows or other large domestic animals:											
a. Solely as pets or for private noncommercial use (See Section 3.2.1.2)	Y	Y	Y	N	N	N	N	N	Y	Y	Y
b. Keeping or boarding more than six such animals regardless of ownership; or charging of fees for riding, training, lessons, breeding or other uses of the premises (See Section 6.9)	BA	BA	BA	N	N	N	N	N	BA	BA	BA
7. Heliport	N	N	N	N	BA	BA	BA	N	BA	BA	BA
8. Temporary and seasonal placement of tables and chairs	N	N	N	N	BA	N	BA	BA	BA	N	N
9. Parking or keeping of a truck or commercial-type vehicle on property used for residential purposes (See Section 3.2.1.3)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
10. With dwellings in all districts, the parking or keeping of commercial-type vehicles or equipment other than those allowed in subsection F.9 above (See Section 3.2.1.4)	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
11. Parking or keeping of equipment or vehicles, or the maintenance of temporary buildings on construction sites for a period not to exceed one year, subject to permit issued by the Inspector of Buildings	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**APPENDIX A**  
**TABLE I**  
**Section 3.1.3 - Table of Use Regulations**  
**(continued)**

Most of the following uses in Table I below are defined in Section 10 of this by-law. See Section 10 and other sections referenced in the first column of this table for additional provisions.

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F. Accessory Uses (See Section 3.2) (continued)	Residential Districts				Business Districts				Industrial Districts		
	SRA	SRB	SRC	APT	LS	OP	GB	MU	IG	IA	ID
12. Use of a mobile home as a temporary dwelling on the site of a single-family residence which has been destroyed or rendered uninhabitable by fire or other catastrophe (See Section 3.2.1.1)	Y	Y	N	N	N	N	Y	Y	Y	Y	Y
13. Accessory scientific uses	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
14. Wind energy towers (See Section 6.4)	BA	BA	BA	N	N	N	N	N	N	BA	BA
15. Wireless communications facility (See Section 6.1)	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
16. Amateur radio facilities (See Section 6.2)	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
17. Tower or antenna for commercial communications purposes (See Section 6.1)	N	N	N	N	BA	N	N	N	N	BA	BA
18. Open storage of secondhand, junk or scrap material	N	N	N	N	N	N	N	N	N	N	N
19. Temporary use of residential premises for sale of crafts	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
20. Storage of one unregistered vehicle or of one vehicle not in condition for travel (See Section 6.7)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y



**APPENDIX A**  
**TABLE 2**  
**Section 4.1.2 - Table of Dimensional Requirements**

District	Minimum Lot Dimensions (e)		(f) Minimum Yard Depth			Maximum Height (g)		Maximum Coverage Including Accessory Building (percent)
	Area (square feet)	Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	Feet	Stories	
Single Residence A	15,000 (a)	115	35	20 (d)	30	35	---	---
Single Residence B	30,000 (a)	150	40	25 (c)	30	35	---	---
Single Residence C	43,560 (a)	180	50	30 (c)	30	35	---	---
Apartment (h)	(i)	(i)	30	20	20	35	3	30 (b)
Limited Service	---	---	30	50	50	40	3	30 (b)
Office Park (j)	43,560	180	30	50	50	40	3	33 1/3 (b)
General Business (k)	---	---	---	---	---	50	4	---
Mixed Use (l)	---	50	10	10	10	50	4	30 (b)
Industrial G (j)	---	---	30	15	15	60	5	50 (b)
Industrial A (j)	---	---	50	40	40	60	4	30 (b)
Industrial D (j)	---	50	100	100	100	50	3	25 (b)

**APPENDIX A  
TABLE 2 (cont.)**

**Section 4.1.2 - Table of Dimensional Requirements**

**Exceptions and Special Requirements:**

(a) See definition of "lot area", Section 10 of this by-law.

(b) Number of stories may be increased and lot coverage decreased correspondingly if site conditions warrant. The gross floor area of the resulting building shall not exceed that allowed by right to meet the standards of the Andover Zoning By-Law and Chapter 131, Section 40 (Wetland Protection Act).

(c) The minimum yard depth of fifteen feet shall continue to apply to dwelling units which are exempt by virtue of the provisions of M.G.L. c. 40A, s. 6, and to the enlargement, restoration or reconstruction of a dwelling in existence as of the effective date of this by-law. The minimum yard depth requirement for a cluster development under Section 7.1 of this by-law may be reduced by the Planning Board to twenty (20) feet.

(d) The minimum yard depth of fifteen feet shall continue to apply to dwelling units which are exempt by virtue of the provisions of M.G.L. c. 40A, s. 6. This by-law shall not be required for work which is performed in connection with the ordinary maintenance or improvement of a single-family house lawfully in existence or for which a building permit had been issued on or before January 1, 1999, including, but not limited to, building additions and conversion of lawn to accessory structures such as decks, sheds, patios and pools.

(e) See Section 4.1.3.1.

(f) See Sections 4.1.3.2 and 4.2.

(g) See Section 4.1.3.3.

(h) See Section 4.1.4.1

(i) The minimum lot area and frontage requirements shall be the same as applies to the adjoining single residence district sharing the longest common boundary, but not less than thirty-five hundred (3,500) square feet for each dwelling unit in a multi-family development. In the event there is no adjoining single residence district, the requirements of the nearest single residence district shall apply.

(j.) See Section 4.1.4.3.

(k) See Section 4.1.4.2.

(l) See Section 4.1.4.4.

**APPENDIX A**  
**TABLE 3**  
**Section 5.1.4 - Table of Off-Street Parking Requirements**

<b>A. Residential Uses</b>		<b>Required Parking Spaces</b>
1. Detached one-family dwelling		Two parking spaces for each dwelling unit
2. Cluster development		Two parking spaces for each dwelling unit
3. Board or lodging house		One parking space for each room rented
4. Multiple dwellings:		—
a. Conversion of a one-family or a two- or more family dwelling		One parking space for each studio or 1-bedroom unit; two parking spaces for each unit with two or more bedrooms
b. Multiple-dwelling (Apartment Building)		One parking space for each studio or 1-bedroom unit; two parking spaces for each unit with two or more bedrooms
c. Planned Development - Multifamily or Mixed Use		As set forth in Section 7.2.5.2.
d. Conversion of an existing structure of 50,000 square feet gross floor area or more to multifamily use		One parking space for each studio or 1-bedroom unit; two parking spaces for each unit with two or more bedrooms
e. Attached Cluster		Two parking spaces per dwelling unit
5. Elderly housing:		—
a. Long-term care facility		One parking space per two beds, plus one parking space per employee
b. Assisted living residence		As set forth in Section 7.4.3.11
c. Congregate care facility		As set forth in Section 7.4.3.11
d. Independent living residence		One parking space for each studio or 1-bedroom unit; two parking spaces for each unit with two or more bedrooms
6. Subsidized low or moderate-income dwelling		One parking space for each studio and 1-bedroom unit or elderly housing unit; 1.5 parking spaces for each unit with two or more bedrooms
<b>B. Institutional Uses</b>		
1. Exempt religious uses		One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
2. Exempt educational uses		Elementary, secondary schools: Two parking spaces per classroom College, technical school: One parking space for each four persons maximum occupancy
3. Municipal facility		As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.

**APPENDIX A**  
**TABLE 3**  
**Section 5.1.4 - Table of Off-Street Parking Requirements**

<b>B. Institutional Uses (cont'd)</b>	<b>Required Parking Spaces</b>
4. Child care facility:	-----
a. in existing structure	One parking space per 10 children, maximum rated occupancy, plus 1 parking space per employee
b. in new structure	One parking space per 10 children, maximum rated occupancy, plus 1 parking space per employee
5. Any use or facility operated by a private nonprofit organization for the conservation of natural resources, for the preservation of historic sites, or for park or recreational purposes	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
6. Hospital	One parking space per two beds, plus one parking space per employee
<b>C. Business and Commercial Uses</b>	
1. Outdoor recreation club or camp	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
2. Private club not conducted for profit	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.
3. Personal service establishment	General Business District: one parking space per 250 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors. Other Districts: one parking space per 250 square feet of gross floor area
4. Adult uses:	-----
a. Adult bookstores, adult paraphernalia stores and adult video stores	One parking space per 250 square feet of gross floor area
b. Adult cabarets and adult motion-picture theaters	One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy



# APPENDIX A

## TABLE 3

### Section 5.1.4 - Table of Off-Street Parking Requirements

C. Business and Commercial Uses (cont'd)		Required Parking Spaces
5. Banking establishment		One parking space for each 250 square feet of gross floor area for lobby/banking area, plus one parking space for each 300 square feet of gross floor area for office/operations area
6. Establishment for the retail sale of merchandise		General Business District: one parking space per 250 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors. Other Districts: one parking space per 250 square feet of gross floor area
7. Convenience store		General Business District: one parking space per 250 square feet of gross floor area on street level floor; one parking space per 350 square feet of gross floor area on other floors; and one parking space for each 600 square feet of gross floor area in basement level floors. Other Districts: one parking space per 250 square feet of gross floor area.
8. Non-exempt educational use		One parking space for each 4 persons maximum occupancy
9. Medical center or clinic		Office Park District: one parking space for each 200 square feet of net floor area and four parking space for each doctor or dentist. Other Districts: three parking spaces per treatment area.
10. Funeral home		One parking space for each four patron seats in the largest assembly area
11. Self-service laundry or dry-cleaning operation		One parking space for each 250 square feet of gross floor area.
12. Restaurants:		—
a. Restaurant, sit-down		One parking space for each two seats, plus 1.5 parking spaces for each 2 employees
b. Restaurant, fast-food		One parking space for each 200 square feet of gross floor area
13. Shop for custom work involving the manufacture of articles to be sold on the premises		One parking space for each 200 square feet of gross floor area devoted to retail
14. Indoor commercial recreation establishment		One parking space for every three seats and/or each 60 inches of permanent bench sitting area or, where no fixed bench seats are used, one parking space for each four persons maximum occupancy.

**APPENDIX A**  
**TABLE 3**  
**Section 5.1.4 - Table of Off-Street Parking Requirements**

<b>C. Business and Commercial Uses (cont'd)</b>	<b>Required Parking Spaces</b>
15. Business, professional or administrative office	One parking space for each 300 square feet of gross floor area
16. Motel or hotel	One parking space per rental room or suite; plus one parking space per four persons maximum occupancy for each assembly room (banquet or public meeting room); plus parking spaces required for other accessory uses on the premises
17. Commercial parking lot or garage	Not applicable
18. Motor vehicle sale or rental	As determined by the Planning Board and reported in a memorandum to be filed with the certificate of occupancy or building permit.
19. Motor vehicle service station	One parking space for each employee on principal work shift, plus four parking spaces for each service bay, or 300 square feet of interior service area.
20. Motor vehicle repair garage or body shop	One parking space for each employee on principal work shift, plus four parking spaces for each service bay, or 300 square feet of interior service area.
21. Car washing facility	One parking space for each employee on principal work shift, plus four parking spaces for each service bay, or 300 square feet of interior service area.
22. Building supply and fuel establishment, contractor's yard and similar wholesale storage warehousing or service uses	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
23. Contractor's yard	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
24. Wholesale storage warehousing	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
25. Major commercial project	See parking requirements for specific uses.
<b>D. Manufacturing and Industrial Uses</b>	
1. Laboratory for research and development work	One parking space for each 300 square feet of gross floor area
2. Establishment engaged in manufacture or other industrial work, including fabrication assembly	One parking space per 300 square feet of net floor area
3. Warehousing	One parking space per 600 square feet of net floor area
4. Storage of goods, materials, products, equipment and nonregistered motor vehicles within enclosed structures incidental to subsection D. 1, 2 and 3 above.	Not applicable

**APPENDIX A  
TABLE 3**

**Section 5.1.4 - Table of Off-Street Parking Requirements**

<b>E. Other Main Uses</b>	<b>Required Parking Spaces</b>
1. Exempt agricultural use	Not applicable
2. Non-exempt agricultural use	Not applicable
3. Exempt farm stand	One parking space per 200 square feet of gross floor area if customers are served in a structure
4. Non-exempt farm stand	One parking space per 200 square feet of gross floor area if customers are served in a structure
5. Public transportation station or terminal excluding airports	Not applicable
6. Essential services	Not applicable
7. Earth Movement	Not applicable
8. Cemetary	Not applicable
<b>F. Accessory Uses</b>	
1. Family day care, small	Not applicable
2. Customary home occupation	2 parking spaces per residence and one parking space per employee
3. Family dwelling unit	One parking space per family dwelling unit
4. Professional home office	As determined by the Planning Board and reported in a memorandum to be filed with the building permit or certificate of occupancy.
5. Keeping or boarding of horses, ponies, cows or other large domestic animals:	----
a. Solely as pets or for private noncommercial use	Not applicable
b. Keeping or boarding more than 6 such animals regardless of ownership; or charging of fees for riding, training, lessons, breeding or other uses of the premises	As determined by the Planning Board
6. Heliport	Not applicable
7. Temporary and seasonal placement of tables and chairs	See Section 10
8. Parking or keeping of a commercial motor vehicle less than 9,500 pounds manufacturer's GVW rating on residentially used property	See Section 3.2
9. Parking or keeping of a commercial motor vehicle more than 9,500 pounds manufacturer's GVW rating on residentially used property	See Section 3.2
10. Parking or keeping of equipment or vehicles, or the mainenance of temporary buildings on construction sites for a period not to exceed 1 year, subject to permit issued by the Inspector of Buildings	Not applicable

**APPENDIX A**  
**TABLE 3**  
**Section 5.1.4 - Table of Off-Street Parking Requirements**

<b>F. Accessory Uses (cont'd)</b>	<b>Required Parking Spaces</b>
11. Use of a mobile home as a temporary dwelling on the site of a single-family residence which has been destroyed or rendered uninhabitable by fire or other catastrophe	Two parking spaces
12. Accessory scientific uses	Not applicable
13. Wind energy towers	Not applicable
14. Wireless communications facility	Not applicable
15. Amateur radio facilities	Not applicable
16. Tower or antenna for commercial communications purposes	Not applicable
17. Open storage of second hand junk or scrap material	Not applicable
18. Temporary use of residential premises for sale of crafts	Not applicable
19. Storage of one unregistered vehicle or of one vehicle not in condition for travel	See Section 6.7

**APPENDIX A**  
**TABLE 4**  
**Section 5.1.5.1 - Parking Dimensions**

The minimum dimensions of parking spaces and maneuvering aisles shall be as shown in Table 4 below.

**KEY:**

S = Standard car space

C = Compact car space

P = Parking space for persons with disabilities (See Section 5.1.5.3)

Parking Angle (degrees)	Stall Width			Depth of Parking Space			Width of Maneuvering Aisle (feet)			
	(feet)			(feet)			One-Way			Two-Way
	S	C	P	S	C	P	S	C	P	All spaces
61 to 90	9	8	12	18	16	18	24	24	24	24
46 to 60	9	8	12	18	16	18	18	18	18	24
45	90	8	12	18	16	18	15	14	15	24
Parallel	8	8	12	22	18	22	14	12	14	24



## TABLE OF BY-LAWS

The following table was compiled from a list furnished by the town. It shows those bylaws which are general and permanent and also shows rezoning as well as amendments to the text of the Zoning Bylaw.

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
3-14-1927	22	Interim Zoning Ordinance	
3-9-1936	17	Establish Article VIII, Zoning Bylaw	
3-14-1938	26	Change lot area for residential districts, from 10,000 to 8,500 square feet	
3-11-1940	39	Amend IX, Paragraph 1 to include summer camp lots	
	40	Amend Section IX, Paragraph 4 to add corner lots	
	41	Amend Section IX, Paragraph 5 to add corner lots	
	42	Amend Section VIII to add Zoning Board of Appeals	
6-17-1947	5	Establish Educational District beginning north side of Haverhill Street	
3-13-1950	41	Establish a Business District between Essex Street, Railroad Avenue, etc.	
3-10-1952	11	Rezone "Shaw Estate" land (85 Main Street) from Single Residence to Business District	
	33	Add paragraph to Section II, requiring a first floor living area of at least 400 square feet	
	34	Amend Subsection 4 of Section XII to allow conversion of one or more dwelling units to more dwelling units	
	36	Rezone 9 and 13 Chestnut Street parcels from Residential District to Business District	

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
	38	Rezone the corner of Lowell Street and Poor Street from a Residential District to Business District	
3-8-1954	7	Amend Section IX, Paragraph 1 to establish new lot frontages and lot sizes in residential districts near the Town House, Ballardvale Fire Station and Shawsheen Square	
	9	Repeal Section X, Paragraph 2 and substitute new paragraph for the removal of earth, etc.	
3-21-1955	1	Amend Section IX, Paragraph 1 for size of lots and lot frontages in Zones A, B and C	
	2	Amend Section IX, Paragraph 3 regarding front yards and corner lot setbacks	
3-10-1956	54	Establish Industrial District between B&M Railroad and Andover Street	
	59	Add Paragraph 5 to Section V, Educational Districts, adding lot requirements of the SRB District	
	60	Rezone SRB District to SRC District near bypass to North Reading line to Wilmington line, River Street, High Street, Andover Street, Ballardvale Road, South Main Street, etc.	
3-12-1956	63	Rezone SRA District to SRB District, beginning Highland Road, Salem Street, North Andover line, bypass, Prospect Hill Road, etc.	
	64	Rezone SRA District to SRB District for area beginning at Haverhill Street, Merrimack College to Elm Street, North Andover line, etc.	



# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
	65	Rezone SRA District to SRB District for area beginning at North Main Street, Shawsheen River, Castle Heights Development, etc.	
	66	Rezone SRA District to SRB District for area beginning at Lowell Street to Canterbury Street, etc.	
	67	Rezone SRA District to SRB District for area beginning at Lawrence line, North Andover line, Haverhill Street, High Street, etc.	
	68	Rezone SRA District to SRB District for area beginning at North Andover line, Elm Street, Haverhill Street, etc.	
	69	Delete summer camp lots from Section IX, Paragraph 1	
	70	Rezone Lowell Junction area from SRC District to Industrial District	
	71	Rezone SRB District to Industrial District for area known as West Andover, bounded by Fish Brook, River Road, Merrimack River, Lawrence Line and North Street	
	72	Amend Section VII, adding regulations for Industrial Districts in Lowell Junction and West Andover	
1-5-1957	1	Amend Article 72 of March 3-12, 1956 Town Meeting, Section VII, deleting Board of Selectmen and adding Zoning Board of Appeals	
3-9-1957	41	Extend Zone A from Bowdoin Road, Congregation Temple Emmanuel, Andover Country Club, etc.	

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
10-7-1957	2	Amend Section X to add Subsection 2, Removal of earth materials	
	3	Repeal Section X, Paragraph 2, Removal of earth materials (subject to Attorney General approving Article 2)	
3-10-1958	41	Establish Multiple Housing District, near the Andover Housing Authority, Rogers' Brook, etc.	
3-17-1958	48	Change SRC District lot frontages move up from 200 feet to 180 feet in Section IV	
	52	Establish Planned Shopping Center District, Section VI.A	
	53	Rezone SRC District to Planned Shopping Center District, two areas in West Andover on north and south sides of Route 133	
	54	Rezone IA District at North Main Street, Harding Street and Shawsheen River to Planned Shopping Center District	
10-6-1958	1	Rescind Article 52 of March 17, 1958, and substitute a new Section VI.A, Special Shopping Center District	
	2	Rescind Article 53 of March 17, 1958, and rezone from SRC District to Special Shopping Center District, located each side of Route 133 in West Andover	
	3	Rescind Article 54 of March 17, 1958	
	6	Establish Section IV.C, Special Motel District	
3-7-1959	37	Establish Section IV.B, Apartment (APT) District	

# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
3-12-1960	38	Rezone SRB District at corner of Haverhill and High Streets to APT of Haverhill and High Streets	
	41	Rezone SRB District at Merrimack College District	
	2	Add to Section VII, a new Subsection D, Restricted Industrial District, for the Filter Bed Road Area	
3-14-1960	3	Rezone SRA and IA Districts to ID District for area known as Filter Bed Road Area	
	30	Add Paragraph 7 to Section IX, Special Development Plans	
	36	Change Paragraph e of Section VII.C, (Restricted Industrial District - West Andover Area), building setbacks for industrial plants	
6-29-1960	1	Add subparagraph on outdoor recreation clubs to Section IV	
3-13-1961	41	Amend Section IX, Paragraph 1, by adding new subparagraph (h) to rezone Industrial C District to SRC District, the area bounded by North Street, River Road, Chandler Road and by amending Section VII on Industrial Districts	
	42	Add the Board of Appeals to Section XIII	
	43	Amend Section IX, Paragraph 7, regarding subdivision control for tracts of 50 acres or more and minimum lot frontage requirements	
	44	Rezone SRC District on north side of new Route 93 to Shopping Center District	

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
3-10-1962	7	Amend Section IV, Paragraph 7 to include "and other municipal facilities;" amend Section VII, Paragraph 3, to allow municipal facilities in industrial districts	
	28	Rezone SRA District located on North Main Street (Washington Park Apartments) to Apartment District	
3-9-1963	28	Add Subsection 6 to Section 6, parking of commercial vehicles; include accessory uses in Subsection 5	
	37	Rezone Business District area at Essex Street, Red Spring Road and Shawsheen Road to SRA District	
	38	Rezone Business District area by North Main Street and Lawrence line to SRA District	
3-7-1964	36—38	Boundary descriptions and Map	
6-15-1964	6	Zoning revision	Art. VIII
	9	Signs	Art. VIII
	10	Amend V.B.7	Art. VIII
	12	Rezone SR to ID	
	13	Rezone SR to Business District	
3-6-1965	23	Fire Code	
3-12-1966	39	General By-Laws adopted	
	40—44	Building Code amendments	
	46	Amend VI.A, Other requirements, parking	Art. VIII
	47, 49	Rezone SRA to General Business	
	51	Rezone General Industrial to General Business	
	53	Amendments to zoning	Art. VIII
	56	Rezone SRA to Shopping Center	
3-11-1967	26	Add VI.E, Earth removal violations	Art. VIII
	27	Amend VIII.F, Violations	Art. VIII
	29	Amendments to Zoning	Art. VIII

# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
11-20-1967	7	Amend V.B.8	Art. VIII
	8	Amend IV.B, Table of Use Regulations, Paragraphs 3 through 5, 7; VI.A.5.a(2); VI.A.5.b(10)	Art. VIII
3-18-1968	53	Amend IV.B, Table of Use Regulations, Paragraph 33	Art. VIII
	54	Amend VIII.C	Art. VIII
	55	Amend IV.B, Table of Use Regulations, Paragraph 26	Art. VIII
	56	Amend VI.E, Removal of earth material	Art. VIII
	57	Amend V.A, Table of Dimensional Requirements, Business District	Art. VIII
3-18-1968	7	Amend IV.B, Paragraphs 34A, 34B; II, Definitions, Removal	Art. VIII
	8	Amend III.A.2 to add OP District (Office Park); IV.B changing use charts for Paragraphs 6, 8, 13, 14, 20, 31, 32, 33, 34A, 34B, 36, 40, 44, 45, 46, 47; V.A to add OP District; VI to add new paragraph on OP District; VI.B.3, Signs; VI.A, Paragraph 6, OP parking spaces; VI.C.1, Landscaping	Art. VIII
	10	Special Town Meeting, first Monday in October	Art. II
	60	Amend tract of land (Howard Johnson's South Main Street) to Apartment District (Colonial Apartments)	
	61	Amend tract of land, corner of Stevens and North Main, to GI	
8-1-1968	62	Amend Initial Dog Leash Law	Art. XII
	1	Amend tract of land (Shawsheen Rubber) to GI	

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
3-11-1969	3	Amend V.A, Table of Dimensional Regulations, Industrial District	Art. VIII
	4	Amend tract of land (Raytheon) to IA	
	38	New dog leash law	Art. XII
	42	Amend VI.B.2.C to add Paragraph 3	Art. VIII
	43	Amend IV.B, Table of Use Regulations, Paragraphs 13, 30(c)	Art. VIII
10-6-1969	1	Public auction of real estate	Art. V
10-20-1969	25	Amend Section II, Definitions, Paragraph 21; delete Note under the heading Table of Off-Street Parking Requirements	Art. VIII
	26	Amend III.A.3, Industrial Districts, Delete IB and IC	Art. VIII
	27	Amend IV.B, Table of Use Regulations, Delete IB and IC and amend Paragraphs 1, 17, 21, 27, 28, 29 and 30	Art. VIII
	28	Amend V.A, Table of Dimensional Requirements, Delete IB and IC	Art. VIII
	29	Amend V.B.3, yard depth	
	30	Amend V.B.8, Industrial Districts	Art. VIII
	31	Amend VI.A.4; renumber 4 as 4a and Add 4.b	Art. VIII
	32	Amend VI.A, Paragraph 6b	Art. VIII
	33	Amend IV.B, Paragraph 31	Art. VIII
	34	Amend VI.G	Art. VIII
	35	Amend IV.B, Paragraph 42	Art. VIII
	36	Amend V.B.3 to add e, "are not used for housing domestic animals or livestock"	Art. VIII
3-7-1970	46	Amend tract of land from Shopping Center to SRC	
	47	Amend tract of land from SRA to General Business	

# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
	48	Amend tract of land from Residential to IA	
	51	Art. VII, Building Code Section 37, Paragraph (d)	
	52	Building Code Section 4, Paragraph 1	
3-7-1970	62	Dog control	Art. XII
	1	Amend tract of land from General Industrial to IA	
10-5-1970	6	Rezone GI to IA	
3-20-1971	10	Contracts	Art. V, § 1
	11	1970 Fire Code	
10-4-1971	2	Article VII, Building Code, Section 10, swimming pool	
	3	Article VII, Building Code, new Section 50A, swimming pool permits	
	4	Amend Section II, Definitions, Paragraph 22	Art. VIII
	5	Amend IV.B, Table of Use Regulations, Paragraph 40	Art. VIII
4-10-1972	40	Hunting prohibited in Andover (disapproved by Attorney General)	
	45	Amend tract of land (Haverhill Street) from SRA to OPD	
10-2-1972	4	Firearms discharge	Art. XII, § 7
4-2-1973	37	Annual Town Meeting warrant to be open 35 days	Art. III
	38	Snowmobiles restricted	
	47	Building Code electrical fees	
4-8-1974	13	Fiscal year to be July 1 to June 30	Art. IV
	14	Monetary interest or employment disclosure before speaking about Town Meeting Article	Art. II
	15	Amend tract of land (Central Street) from SRA to General Business	
	41	Increase size of Finance Committee	Art. III

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
	42	Admission of other than registered voters to Town Meeting [Paragraph (a) not to be in effect for Special Town Meeting]	Art. II, § 7(b)
	43	Finance Committee to prepare Report for Annual Town Meeting	Art. III, § 3(a)
	54	Amend tract of land from SRC to Industrial D	
4-22-1974	54	Rezone SRC to ID	
4-7-1975	4	Town moneys	Art. IV
	5	Election Day to be fourth Monday	Art. II
4-15-1975	23	Alcoholic beverages on school and municipal buildings and grounds	Art. XII, § 20.5
	24	Alcoholic beverages in parks and playgrounds	Art. XII, § 20.5
	27	Amend Section IV.B, Table of Use Regulations, mobile homes	Art. VIII
	28	Amend Section IV.B.30, adding "or registered vehicle"	Art. VIII
	43	Dog control (vaccination)	Art. XII
	44	Dog control (trash pickup time)	Art. XII
	45	Dog license fees	Art. XII
	46	Add Section "Penalties" (formerly Art. XII, § 14)	
	50	Add Section "Sidewalk Snow Removal"	Art. XII, § 20
	54	Add Section "Soliciting"	Art. XII, § 19
10-6-1975	19	Amend Zoning Bylaw/Art. VII "Construction Permit Fees"	
	20	Deletes Plumbing By-Law (formerly Art. IX)	
	21	Delete Paragraphs 3, 4 re: Plumbing and Building Codes	Art. I, § 3(a)
	22	New amount \$200.00 in last line	Art. I, § 4



# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-27-1976	12	Amend IV.B, Table of Use Regulations, Paragraph 25, "Repair Garage"	Art. VIII
	26	Amend tract of land West Andover from IA to ID	
	27	Changes in Industrial D Categories	Art. VIII
5-10-1977	3	October Special Town Meeting	Art. II
	7	Selectmen to see Fee Schedule	Art. VII
	9	Andover Members of Merrimack Valley Planning Commission	Art. XII
	12	Change 7 to 14 days	Art. II, § 2
	18	Amend V.B, Table of Dimensional Requirements, to add 10 on public acquisition of lots	Art. VIII
	19	Amend Andover and Center Streets from GB to SRA	
	26	Amend N.B, Table of Use Regulations, Sacred Heart	Art. VIII
	29	Amend VI.B to add new material on signs	Art. VIII
	36	Delete Sections 11-17 and add new section on dogs (disapproved by Attorney General)	Art. XII
	39	Amend sidewalk snow removal	Art. XII, § 20
10-24-1977	6	Snow in streets	Art. XII, § 9
	17	Amend IV.B, Table of Use Regulations, Paragraph 43 "Heliports"	Art. VIII
	18	Amend IV.B, Table of Use Regulations	Art. VIII
	19	Amend IV.B, Table of Use Regulations, Paragraph 34A	Art. VIII
	27	Dog control	Art. XII
4-25-1978	5	Dog control	Art. XII
	16	Finance Committee report	Art. III, § 3
	20	Recreational motor vehicles	Art. XII, § 18
	30	Amend III, Establishment of Districts, to add Flood Hazard District	Art. VIII
	46	Amend VI.B, Signs	Art. VIII

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
10-23-1978	53	Amend Zoning Bylaws to accept Ch. 808.	Art. VIII
	10	Amend IV, Table of Use Regulations, Paragraph 42, "Horses"; VI.G, "Agriculture and Livestock"	Art. VIII
	17	Amend V.B.3; letter existing paragraph as a. and add new Paragraph b.	Art. VIII
	18	Amend V.A, Table of Dimensional Requirements, to add footnote "See Definition of Lot Area"	Art. VIII
	19	Amend IV.B, Table of Use Regulations, I.a, "Cluster Development"	Art. VIII
	20	Amend VI.B.3.e(2), allowable attached signs	Art. VIII
	23	Amend tract of land at 23 Central Street from SRA to GB	
5-14-1979	25	Amend Zoning Bylaw to increase Board of Appeals members	Art. VIII
	27	Annual audit	Art. IV, § 8
	13	Amend VI, Other requirements, Design Advisory Group	Art. VIII
	24	Amend VI.A.5a, general regulations regarding parking, General Business District	Art. VIII
	33	Storage of inflammable (fees)	Art. XII, § 22
10-15-1979	35	Emergency reporting equipment and procedures	Art. XII, § 24
	7	Depositing leaves or other refuse on streets	Art. XII, § 26
	9	Amend V.B.6.a, motels and hotels except Business District, buildings not to exceed 30 feet in height	Art. VIII
	10	Amend VIII.B.1 from 2 to 4 Associate Members	Art. VIII
	15	Strike out regulations for October Special Town Meeting	Art. II, § 1

# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-15-1980	18	Amend IV.B, Table of Use Regulations, Paragraph 17, "Restaurant"	Art. VIII
	20	Failure of Finance Committee to mail Report shall not invalidate Town Meeting action	Art. II, § 9
	30	New "N.", Raising fees	Art. XII, § 11
	37	Amend IV.B, Table of Use Regulations, Paragraph 34A, "Soil removal"	Art. VIII
	48	Authority to require bond	Art. XII, § 25
	49	Noncriminal penalties for enforcement	Art. I, § 4
	56	Amend V.B.2.d, Exceptions and special regulations, Yards	Art. VIII
	57	Amend VI.D.1, Cluster development, Dimensional regulations, Paragraph d	Art. VIII
5-26-1981	4	Town Clerk's fees	Art. XI, § 6
	7	Handicapped parking	Art. XII, § 28
	10	Amend IV.B.5, Table of Use Regulations, to delete "business"	Art. VIII
	15	Amend IV.B, Paragraph 49; VI.P, Towers; II, definition of wind-energy conversion system	Art. VIII
	16	Amend IV.B, Paragraph 50; IV.O, communication antennás; II, definition of communication antenna	Art. VIII
	18	Amend IV.B, Table of Use Regulations, Paragraph 38A	Art. VIII
	36	Amend tracts of land from SRC to ID	
	65	Fire lanes, parking prohibited	Art. XII, § 27
6-1-1981	36	Rezone from SRC to ID	
4-26-1982	9	Amend II, Definitions, to include "Helicopter"; IV.B.43A	Art. VIII

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-4-1983	19	Foster's Pond	Art. XII, § 29
	19	Amend VII.A.2, Nonconformance	Art. VIII
	32	All-night parking	Art. XII, § 31
	48	Amend VI, Removal of soil, loam, gravel, etc.	Art. VIII
4-2-1984	12	Adopt Code of By-Laws	Following Preface
	30	Summary Annual Report	Art. II, § 4.1
	41	Amend VI.O.3(b) and (c), multiple dwellings	Art. VIII
	46	Amend II, Definitions, to include 28, "customary home occupations"	Art. VIII
	47	Amend IV.B, Table of Use Regulations, Paragraph 37, day care	Art. VIII
	50	Rezone SRA to APT	
4-2-1985	54	Amend IV.B, Table of Use Regulations, to add Paragraph 11A, banking establishment	Art. VIII
	65	Amend VI.A, Parking	Art. VIII
	66	Amend II.10A, definition of "lot area"	Art. VIII
	67	Amend VI to add Subsection O, Multiple dwellings	Art. VIII
	68	Amend V.B.6, Motels and hotels except in Business District	Art. VIII
4-3-1985	69	Delete IV.B.3 through IV.B.5A; add back 3a to 3e, multiple dwellings; and renumber IV.B.6 through IV.B.31B as IV.B.4 through IV.B.31	Art. VIII
	70	Repeal VI.I, Large Structure Conversion, and renumber VI.J through VI.P as VI.I through VI.O	Art. VIII
	71	Amend V.A, Table of Dimensional Requirements	Art. VIII

# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-8-1986	54	Amend VIII.C to add 2 and renumber 2 through 5 as 3 through 6 (Planning Board special permits)	Art. VIII
	55	Delete VI.H.4, Industrial D site plan review; add VI.Q, Site plan review	Art. VIII
	56	Amend VI.A.3, Parking design standards; delete VI.A.6.i, 7.c, 7.d	Art. VIII
	58	Amend VI.A.7.a(4), Intent and application of parking requirements in industrial districts	Art. VIII
	59	Amend V.B.8.a, b, Exceptions and special requirements, Dimensional requirements in industrial districts; renumber 8.b through d as c through d	Art. VIII
	60	Amend V.B.7.c and VI.O.4	Art. VIII
	61	Amend V.B.7.a, Exceptions and special requirements, Dimensional requirements in General Business Districts; amend title of VI.C; add VI.C.3, Landscaping, buffering, lighting	Art. VIII
	62	Add III.A.4, Overlay districts; amend III.B and E	Art. VIII
	63	Rezone from SRA to GB	
	66	Add VI.P, Watershed Protection Overlay District	Art. VIII
4-15-1987	69	Amend IV.B.37, Day-care facilities	Art. VIII
	70	Amend Zoning Bylaw by changing word "parcel" to word "lot" throughout	Art. VIII
	71	Amend V.B.2 to add 2.a, and renumber 2.a through 2.f as 2.b through 2.g, dimensional requirements	Art. VIII

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-5-1988	72	Amend VI.D.1.b and VI.D.2, Cluster development, Dimensional requirements, design	Art. VIII
	73	Amend VIII to add Paragraph A.6, Administration and procedure	Art. VIII
	74	Add VI.P.3.i; delete VI.P.4.a, renumber 4.b through 4.d as 4.a through 4.c, amend 4.c, Watershed Protection Overlay District	Art. VIII
	75	Amend III.D, Lots split by zoning boundary	Art. VIII
	76	Amend VI.O.1.c, Multiple dwellings	Art. VIII
	55	Add § 30 to Art. XI of General Bylaws, Recycling Certain Materials	Art. XII, § 30
	59	Add VI.B.3.g, Signs; amend VI.K.2.a	Art. VIII
	60	Delete § 7 of Art. II of General Bylaws (Appropriation proposals; Special Town Meeting)	Rpld Art. II, § 7
	62	Create Mixed Use District; amend III.A.2, IV.B, V.A, VI.A.3.a and f, VI.C.3 and 3.a.i, VI.O.3; add V.B.11, VI.R	Art. VIII
	66	Add IV.B.51, Family day-care	Art. VIII
	68	Add II.29, "water body" and "watercourse" definition	Art. VIII
	69	Amend VI.P.5, Watershed setbacks	Art. VIII
	84	Add § 7 to Art. II of General Bylaws (Dissolving Town Meeting)	Art. II, § 7
	85	Rezone IG to SRA	
	93	Amend IV.B.50, VI.N, Satellite dishes	Art. VIII
	94	Amend IV.B.29(e), junk cars	Art. VIII

# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
	95	Add IV.B.11A, Convenience store	Art. VIII
	101	Amend IV.B.3.d, VI.O.4, Conversion of 50,000-square-foot structures	Art. VIII
4-4-1989	19	Licenses and tax delinquency	Art. XII, § 32
	64	Flood Hazard Overlay District	Art. VIII, § III.B
	65	Lot dimensions, V.B.2.h	Art. VIII, § V.B.2.h
	71	Definition of "frontage"	Art. VIII, § II.8
6-19-1989	1	Shooting galleries and ranges	Art. XI, § 7
6-12-1990	60	Add § 24.5 to Art. XII of General Bylaws, Fire alarm systems and false fire alarms	Art. XII, § 24.5
	67	Amend VII.1 through 5, Flood Hazard District	Art. VIII
	69	Amend § 22 of Art. XII of General Bylaws, Storage of inflammables	Art. XII, § 22
	73	Amend VI.Q, Site plan review, and add VIII.C.2.a.6, Site plan special permit	Art. VIII
	74	Amend § 6 of Art. XI of General Bylaws, Town Clerk's fees	Art. XI, § 6
	77	Add § 33 to Art. XII of General Bylaws, Demolition of historically significant buildings and structures	Art. XII, § 33
	78	Amend § 11 of Art. XII of General Bylaws, Dogs	Art. XII, § 11
4-2-1991	37	Capital improvement program	Art. XII, § 34
	44	New Fire Code	Art. X, § 1
	46	Add to Subsection (6), Art. XII, § 33, Noncompliance	Art. XII, § 33(6)
9-30-1991	5	Add IV.B.52, Temporary use of residential premises for sale of crafts	Art. VIII
4-13-1992	35	Add IV.B.43B, Outdoor tables and chairs	Art. VIII

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-15-1997	50	Licenses and tax delinquency amendment	Art. XII, § 32(b)
4-15-1997	51	Licenses and tax delinquency amendment	Art. XII, § 32(d)
4-16-1997	53	Amendment to date whereby Town Manager has to submit annual budget	Art. IV § 6
4-16-1997	54	Amend ATM date	Art. II, § 1
4-16-1997	63	Zoning amendment: Adult uses	Art. VIII, § VI.U
4-16-1997	64	Zoning amendment: Communication structures	Art. VIII, §§ II.25, VI.N, IV.B.50(c)
4-16-1997	65	Zoning amendment: Lot area	Art. VIII, § II.10A
4-16-1997	66	Zoning amendment: Minimum yard depth	Art. VIII, §§ V.A, VI.D
4-16-1997	67	Zoning amendment: Lot/slope requirements for single residence districts	Art. VIII, § V.B.12
4-16-1997	68	Zoning amendment: Alternative modes of transportation	Art. VIII, §§ VI.W, VI.d.2.d, VI.Q.4.a.16, VI.Q.5.c.10
4-28-1998	40	Town Meetings; Voting amendment	Art. II, § 5.1
4-28-1998	42	Zoning amendment: Nonconformance	Art. VIII, § VII
4-28-1998	44	Zoning amendment: Earth movement	Art. VIII, §§ II.20, IV.B.34A, B, C, D and E, VI.E
4-28-1998	47	Zoning amendment: Wireless communications facilities	Art. VIII, §§ II.25, IV.B.50, VI.N
4-29-1998	71	Licenses and tax delinquency amendment	Art. XII, § 32(a)
4-29-1998	81	Silly string, smoke bombs and stink bombs	Art. XII, § 39
4-29-1998	88	Rezone portion of Dascomb Road from ID to IA	
4-29-1998	90	Pawnbrokers and secondhand dealers	Art. XII, § 40
5-10-1999	50	Zoning amendment: special permits	Art. VIII, § VIII.C.a
5-10-1999	54	Zoning amendment: Table of Dimensional Requirements	Art. VIII, § V.A
5-10-1999	56	Zoning amendment: Table of Use Regulations	Art. VIII, § IV.B



# TABLE OF BYLAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
5-10-1999	57	Zoning amendment: definition of "way"	Art. VIII, § II. 14
5-10-1999	58	Zoning amendment: permitted uses	Art. VIII, § IV.A
5-10-1999	59	Zoning amendment: definition of driveway	Art. VIII, § II.43
5-11-1999	75	Wetlands and watercourses	Art. XIV
5-1-2000	61	Town Meetings; Voting amendment street acceptances	Art. II, § 10
5-1-2000	73	Zoning amendment: wireless communications facilities	Art. VIII, § VI.N.1
5-1-2000	74	Zoning amendment: dimensional requirements	Art. VIII, § V.B.2.i
5-1-2000	75	Zoning amendment: lot/slope requirements	Art. VIII, § V.B.12
5-1-2000	76	Zoning amendment: dimensional requirements	Art. VIII, § V.B.13
5-1-2000	86	Automatic amusement devices	Art. XI, § 8
4-24-2001	9	Zoning (recodification)	Art. VIII
4-24-2001	25	Sale of tobacco amendment	Art. XII, § 35
4-24-2001	27	Tax agreements for brownfields	Art. XII, § 41
4-24-2001	34	Town Meetings amendment; location of meetings	Art. II, § 11
4-23-2002	29	Wetlands protection amendment	Art. XIV, § 12
4-29-2002	33	Dogs amendment	Art. XII, § 11(e)
4-29-2002	40	Water supply conservation	Art. XV
4-30-2002	52	Zoning amendment: multiple dwelling conversions	Art. VIII, § 7.6.2.4
4-30-2002	53	Zoning amendment: general use regulations	Art. VIII, § 3.1
4-30-2002	54	Zoning amendment: Business Districts	Art. VIII, § 4.1.4.2.b
4-30-2002	57	Zoning amendment: signs	Art. VIII, § 5.2.10.7
4-28-2003	22	Officials appointed by Board of Selectmen	Art. III, § 2(b)
4-28-2003	23	Officials appointed by Town Manager	Art. III, § 2(b)
4-28-2003	29	Zoning amendment: special dimensional permit – historic preservation	Art. VIII, § 7.9
4-28-2003	31	Demolition of historic buildings and structures	Art. XII, § 33

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-28-2003	32	Zoning amendment: special dimensional permit – affordable housing	Art. VIII, § 7.8
4-28-2003	34	Zoning amendment: special	Art. VIII, § 9.4.9
4-28-2003	35	Ballardville Historic District	Art. XII, § 36
4-28-2003	37	Town Clerks and dogs fees	Art. XI, §§ 6, 7; Art. XII, §§ 11, 22, 40
4-28-2003	38	Smoking and sale of tobacco	Art. XII, § 35
4-28-2003	44	Zoning amendment: residential uses	Table 1
4-28-2003	54	Zoning amendment: Groundwater Protection Overlay District	Art. VIII, § 8.6
4-26-2004	15	Town Meeting warrants amendment	Art. II, § 2
4-27-2004	39	Zoning amendment: projections	Art. VIII, § 4.1.3
4-27-2004	42	Zoning amendment: parking in SRA District	Art. VIII, § 5.1
4-27-2004	43	Zoning amendment: definition	Art. VIII, § 10.0
4-27-2004	44	Zoning amendment: definition	Art. VIII, § 10.0
4-27-2004	51	Pawnbrokers and secondhand dealers amendment	Art. XII, § 40
4-26-2005	32	Zoning amendment: special permits and site plan review	Art. VIII, §§ 9.4.8, 9.5.4
4-26-2005	40	Zoning amendment: Table of Use Regulations	Art. VIII, § 3.1.3
5-2-2005	42	Zoning amendment: signs	Art. VIII, §§ 5.2.10, 10
5-2-2005	43	Zoning amendment: signs	Art. VIII, § 5.2.10, 5.2.11, 5.2.14
5-2-2005	44	Zoning amendment: signs	Art. VIII, § 5.2.11
5-2-2005	45	Zoning amendment: signs	Art. VIII, § 5.2.4
5-2-2005	47	Zoning amendment: signs	Art. VIII, §§ 5.2.4, 10
5-2-2005	48	Zoning amendment: signs	Art. VIII, § 5.2.6
5-2-2005	50	Zoning amendment: correction Art. 39, 2005 ATM	Art. VIII, § 4.1.3
4-24-2006	36	Zoning amendment: definition	Art. VIII, § 10.0
4-24-2006	49	Rezone from SRA to Mixed Use	
4-24-2006	50	Zoning amendment: WPOD	Art. VIII, § 8.1.2
4-23-2007	32	Soliciting amendment	Art. XII, § 21
4-23-2007	34	Community Preservation Committee	Art. XII, § 42
4-23-2007	48	Zoning amendment: mixed use	Art. VIII, § 4.1.4.4

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Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
	95	Add IV.B.11A, Convenience store	Art. VIII
	101	Amend IV.B.3.d, VI.O.4, Conversion of 50,000-square-foot structures	Art. VIII
4-4-1989	19	Licenses and tax delinquency	Art. XII, § 32
	64	Flood Hazard Overlay District	Art. VIII, § III.B
	65	Lot dimensions, V.B.2.h	Art. VIII, § V.B.2.h
	71	Definition of "frontage"	Art. VIII, § II.8
6-19-1989	1	Shooting galleries and ranges	Art. XI, § 7
6-12-1990	60	Add § 24.5 to Art. XII of General Bylaws, Fire alarm systems and false fire alarms	Art. XII, § 24.5
	67	Amend VII.1 through 5, Flood Hazard District	Art. VIII
	69	Amend § 22 of Art. XII of General Bylaws, Storage of inflammables	Art. XII, § 22
	73	Amend VI.Q, Site plan review, and add VIII.C.2.a.6, Site plan special permit	Art. VIII
	74	Amend § 6 of Art. XI of General Bylaws, Town Clerk's fees	Art. XI, § 6
	77	Add § 33 to Art. XII of General Bylaws, Demolition of historically significant buildings and structures	Art. XII, § 33
	78	Amend § 11 of Art. XII of General Bylaws, Dogs	Art. XII, § 11
4-2-1991	37	Capital improvement program	Art. XII, § 34
	44	New Fire Code	Art. X, § 1
	46	Add to Subsection (6), Art. XII, § 33, Noncompliance	Art. XII, § 33(6)
9-30-1991	5	Add IV.B.52, Temporary use of residential premises for sale of crafts	Art. VIII
4-13-1992	35	Add IV.B.43B, Outdoor tables and chairs	Art. VIII

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-13-1992	37	Delete IV.B.29(f), reletter (g), (h) as (f), (g); add IV.B.53, VI.T, Unregistered and nonworking motor vehicles	Art. VIII
4-14-1992	39	Amend VI.A, parking requirements	Art. VIII
4-14-1992	40	Amend IV.B.37, add VI.S, Child-care facilities	Art. VIII
4-12-1993	19	Zoning amendment: definition of "structure"	Art. VIII, § II.13
4-12-1993	20	Zoning amendment: setbacks for accessory recreational uses	Art. VIII, § V.B.2.i
4-12-1993	21	Zoning amendment: political signs (disapproved by Attorney General)	
4-12-1993	22	Zoning amendment: sign setback from intersection	Art. VIII, § VI.B.2.d.(8)
4-12-1993	39	Town Meeting amendment: quorum	Art. II, § 3
4-13-1993	44	Finance Committee amendment	Art. III, § 3(a)(7)
4-13-1993	47	Rezone portion of Central Street from SRA to GB	
4-13-1993	48	Rezone portion of Chestnut Street from SRA to GB	
4-13-1993	53	Rezone portion of South Main Street from SRC to GB	
4-13-1993	56	Dogs amendment	Art. XII, § 11(e)
4-13-1993	57	Dogs amendment	Art. XII, § 11(k)
4-13-1993	59	Codification	Art. I, § 5
4-12-1994	26	Zoning amendment: temporary signs	Art. VIII, § VI.B.2.f(3), (4)
4-12-1994	27	Zoning amendment: pennants	Art. VIII, § VI.B.2.d(6)
4-12-1994	41	Licenses amendment	Art. XII, § 32(b)

# TABLE OF BY-LAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-12-1994	45	Dogs amendment: canine waste	Art. XII, § 11(o)
4-13-1994	52	Smoking and sale of tobacco	Art. XII, § 35
4-13-1994	57	Dogs amendment: license period	Art. XII, § 11(a)
4-13-1994	59	Zoning amendment: Limited Service District	Art. VIII, §§ III.A.2, IV.B, V.A, VI.B.3.d, VI.B.3.b, VI.C.1, VI.C.4.4
4-13-1994	61	Zoning amendment	Art. VIII, § VIII.A.6
4-13-1994	66	Dogs amendment: licenses	Art. XII, § 11(n)(1)
4-11-1995	39	Emergency reporting equipment and procedures amendment (k)	Art. XII, § 24(g), (h), (i), (j) and
4-12-1995	70	Ballardvale Historic District	Art. XII, § 36
4-12-1995	72	Chimney safety	Art. XII, § 37
4-12-1995	73	Vaccination of cats	Art. XII, § 38
4-10-1996	62	Demolition of historically significant buildings and structures amendment	Art. XII, § 33(2)b
4-10-1996	64	Zoning amendment: Planning Board associate member	Art. VIII, § VIII.C.2
4-10-1996	65	Planning Board amendment	Art. III, § 3(B)(1)
4-10-1996	71	Zoning amendment: Adult uses	Art. VIII, § II.30, 31., 32, 33, 34, 35, VI.U, IV.B.9A
4-10-1996	72	Zoning amendment: Maximum height regulations	Art. VIII, §§ V.A, V.B.8.f
4-11-1996	87	Zoning amendment: Rezoning Lot 103 from ID to SRA	Art. VIII, § III.B
4-11-1996	89	Dogs amendment	Art. XII, § 11(a) and (n)(1)
10-23-1996	14	Charter amendment	Charter
4-14-1997	25	Zoning amendment: Elderly housing	Art. VIII, §§ IV.B. 5A, VI.V, II.36 through 42

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-15-1997	50	Licenses and tax delinquency amendment	Art. XII, § 32(b)
4-15-1997	51	Licenses and tax delinquency amendment	Art. XII, § 32(d)
4-16-1997	53	Amendment to date whereby Town Manager has to submit annual budget	Art. IV § 6
4-16-1997	54	Amend ATM date	Art. II, § 1
4-16-1997	63	Zoning amendment: Adult uses	Art. VIII, § VI.U
4-16-1997	64	Zoning amendment: Communication structures	Art. VIII, §§ II.25, VI.N, IV.B.50(c)
4-16-1997	65	Zoning amendment: Lot area	Art. VIII, § II.10A
4-16-1997	66	Zoning amendment: Minimum yard depth	Art. VIII, §§ V.A, VI.D
4-16-1997	67	Zoning amendment: Lot/slope requirements for single residence districts	Art. VIII, § V.B.12
4-16-1997	68	Zoning amendment: Alternative modes of transportation	Art. VIII, §§ VI.W, VI.d.2.d, VI.Q.4.a.16, VI.Q.5.c.10
4-28-1998	40	Town Meetings; Voting amendment	Art. II, § 5.1
4-28-1998	42	Zoning amendment: Nonconformance	Art. VIII, § VII
4-28-1998	44	Zoning amendment: Earth movement	Art. VIII, §§ II.20, IV.B.34A, B, C, D and E, VI.E
4-28-1998	47	Zoning amendment: Wireless communications facilities	Art. VIII, §§ II.25, IV.B.50, VI.N
4-29-1998	71	Licenses and tax delinquency amendment	Art. XII, § 32(a)
4-29-1998	81	Silly string, smoke bombs and stink bombs	Art. XII, § 39
4-29-1998	88	Rezone portion of Dascomb Road from ID to IA	
4-29-1998	90	Pawnbrokers and secondhand dealers	Art. XII, § 40
5-10-1999	50	Zoning amendment: special permits	Art. VIII, § VIII.C.a
5-10-1999	54	Zoning amendment: Table of Dimensional Requirements	Art. VIII, § V.A
5-10-1999	56	Zoning amendment: Table of Use Regulations	Art. VIII, § IV.B

# TABLE OF BYLAWS

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
5-10-1999	57	Zoning amendment: definition of "way"	Art. VIII, § II. 14
5-10-1999	58	Zoning amendment: permitted uses	Art. VIII, § IV.A
5-10-1999	59	Zoning amendment: definition of driveway	Art. VIII, § II.43
5-11-1999	75	Wetlands and watercourses	Art. XIV
5-1-2000	61	Town Meetings; Voting amendment street acceptances	Art. II, § 10
5-1-2000	73	Zoning amendment: wireless communications facilities	Art. VIII, § VI.N.1
5-1-2000	74	Zoning amendment: dimensional requirements	Art. VIII, § V.B.2.i
5-1-2000	75	Zoning amendment: lot/slope requirements	Art. VIII, § V.B.12
5-1-2000	76	Zoning amendment: dimensional requirements	Art. VIII, § V.B.13
5-1-2000	86	Automatic amusement devices	Art. XI, § 8
4-24-2001	9	Zoning (recodification)	Art. VIII
4-24-2001	25	Sale of tobacco amendment	Art. XII, § 35
4-24-2001	27	Tax agreements for brownfields	Art. XII, § 41
4-24-2001	34	Town Meetings amendment; location of meetings	Art. II, § 11
4-23-2002	29	Wetlands protection amendment	Art. XIV, § 12
4-29-2002	33	Dogs amendment	Art. XII, § 11(e)
4-29-2002	40	Water supply conservation	Art. XV
4-30-2002	52	Zoning amendment: multiple dwelling conversions	Art. VIII, § 7.6.2.4
4-30-2002	53	Zoning amendment: general use regulations	Art. VIII, § 3.1
4-30-2002	54	Zoning amendment: Business Districts	Art. VIII, § 4.1.4.2.b
4-30-2002	57	Zoning amendment: signs	Art. VIII, § 5.2.10.7
4-28-2003	22	Officials appointed by Board of Selectmen	Art. III, § 2(b)
4-28-2003	23	Officials appointed by Town Manager	Art. III, § 2(b)
4-28-2003	29	Zoning amendment: special dimensional permit – historic preservation	Art. VIII, § 7.9
4-28-2003	31	Demolition of historic buildings and structures	Art. XII, § 33

# ANDOVER CODE

Date of Town Meeting	Article of Warrant	Subject	Location (if any) in By-Laws
4-28-2003	32	Zoning amendment: special dimensional permit – affordable housing	Art. VIII, § 7.8
4-28-2003	34	Zoning amendment: special	Art. VIII, § 9.4.9
4-28-2003	35	Ballardville Historic District	Art. XII, § 36
4-28-2003	37	Town Clerks and dogs fees	Art. XI, §§ 6, 7; Art. XII, §§ 11, 22, 40
4-28-2003	38	Smoking and sale of tobacco	Art. XII, § 35
4-28-2003	44	Zoning amendment: residential uses	Table 1
4-28-2003	54	Zoning amendment: Groundwater Protection Overlay District	Art. VIII, § 8.6
4-26-2004	15	Town Meeting warrants amendment	Art. II, § 2
4-27-2004	39	Zoning amendment: projections	Art. VIII, § 4.1.3
4-27-2004	42	Zoning amendment: parking in SRA District	Art. VIII, § 5.1
4-27-2004	43	Zoning amendment: definition	Art. VIII, § 10.0
4-27-2004	44	Zoning amendment: definition	Art. VIII, § 10.0
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4-28-2010	47	Zoning amendment: signs	Art. VIII, § 5.2
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